

PROCEEDINGS

of a

MILITARY COURT FOR THE
TRIAL OF WAR CRIMINALS

held at

LUNEBERG, GERMANY

on

FRIDAY 5th OCTOBER, 1945

upon the trial of

JOSEF KRAMER

and

44 Others.

SEVENTEENTH DAY.

Transcript of the Official
Shorthand Notes.

1.

(At 0930 hours the court reassembles pursuant to adjournment, the same President, Members, and Judge Advocate being present.)

COL. BACKHOUSE: The first statements we propose reading are those of Filo, Pinkus, which is number 223, and the statements of Kaim Lajwand, Isaak Lozowski, and Josef Senderowicz, number 224.

(Statements of Filo, Pinkus, Kaim Lajwand, Isaak Lozowski and Josef Senderowicz are marked exhibit 97, signed by the President and attached to the proceedings)

MAJOR MURTON-NEALE: "The locksmith Filo, Pinkus, Polish national born 18.9.22 in Warsaw, resident at Bergen-Belsen, barracks, Block 89, Room 9, made following statement on the case in course of interrogation. I arrived at the concentration camp of Bergen-Belsen on 6 April 1945. Previous to that I had been in the camp(s) Hanover, Mathausen, Laurabutte nr. Kattowitz, Auschwitz and Lublin. On the day of my arrival in the concentration camp of Bergen-Belsen, I made the acquaintance of the camp inmate, Antoine Awdziei, a Pole, who was overseer (warden) of Block 12. I was amongst those assigned to his block. Awdziei received us with blows and hit us with stools, iron bars, rubber truncheons, etc. This was the usual thing in every camp. The word 'block' means a large building about 45 metres long and about 6 metres wide. Some 1200 prisoners were housed in one such block. Awdziei had a block like this and its inmates under his charge. I can clearly remember that on Thursday, the 12.4.45 it was about 7.30, the painter Grunzweig, a Pole from Wilna, did not want to do his work as he felt too weak. He remained behind in the block. Awdziei ordered Grunzweig to leave the block and to get to work. Awdziei had some object in his hand, what it was I am now unable to say, and beat Grunzweig with it until he collapsed and died. I was in the block at the time and saw the incident described above quite clearly. I can well remember that day as I had several teeth knocked out by the camp overseer with an iron bar. I also had several blows on my left hand.

"On Sunday the 15.4.45 about 8 o'clock, a Russian national, whose name I do not know, failed to report at Block 13 for work in connexion with the dead. He was passing by block 12 and, in doing so, unintentionally brushed against Awdziei. The latter dealt him a blow, and the Russian hit back. Awdziei then called his deputy and the orderlies of the room service out from block 12. All these persons then dragged the Russian into the block, where they fell upon him, beating him up with all kinds of things, until he lay lifeless on the floor. I personally witnessed this incident as I myself was in the block at the time. The Russian's dead body was removed to another block, where there were several other corpses. That other men, besides, were killed by Awdziei (I am unable to say) I saw only the two above-cited cases. I can fully guarantee the truth of my statements. I should like to add that on several hundreds of occasions I have seen, as eye-witness, Awdziei beating his fellow prisoners with (various) objects so that they were physically disabled. He was able to continue with this kind of thing unhindered, as none of the men in charge of the camp or on guard bothered about such things, but even tolerated them. I should like also to mention the following incident:

"On April 10th, 1945, in the course of the morning, I saw when the hot soup was being served out by Awdziei that the latter demanded of my fellow prisoner Lajwand, 5 Russian gold roubles and also received them. Lajwand had asked Awdziei to give him a little more soup. After Lajwand had given Awdziei the rouble-piece and then asked for the soup, Awdziei turned and beat Lajwand with a stick. I also know that Awdziei got a diamond out of the Polish Jew Marxc (or Marzo), also an inmate of the camp, who wanted Awdziei to give him a little more soup. However, he did not give him any, but beat Marzo too repeatedly. The only reason why I am

giving these details is to convey some idea of what kind of person Awdziei is. I can guarantee the truth of above statements in every respect, as my former fellow prisoners Lajwand, Lozowski, Senderowicz will be able to confirm. I am staying in Hanover for a few more days with the above-named persons (Commission of Former Concentration Camp Prisoners, Friedrichstr 16) after which we shall proceed to Bergen-Belsen where later on I can be contacted under address indicated overleaf. Read, confirmed, signed, Filo Pinkus. Signed Schmidt, Krim. Sekr."

MAJOR MURTON-NEALE: The next statement reads as follows: "The locksmith Kaim Lajwand, born on the 22.8.22 at Belsice in Poland, now living and able to be contacted at Bergen-Belsen, Barracks, Block 89, Room 9, testifies: I was present at the interrogation of my former fellow prisoner Pinkus Filo. His statements correspond in every way with the truth and I confirm them as my own. I can testify on oath at any time before a court of justice that the incidents with Awdziei took place as described by Filo. Read, confirmed and signed, Lajwand Kaim."

MAJOR MURTON-NEALE: The next reads as follows: "The electrician Izaak Lozowski born on the 1.5.22 at Byalistock, Poland now living and able to be contacted at Bergen-Belsen, Barracks, Block 89, Room 9, testifies: I was present at the interrogation of my former fellow prisoner Filo. His statements correspond in every way with the truth and I confirm them as my own. I can testify on oath at any time before a court of justice that the incidents with Awdziei took place as described by Filo. Read, confirmed, and signed, Lozowski, Isaak".

MAJOR MURTON-NEALE: The last one reads: "The founder Josef Senderowicz born on the 3.3.22 at Kattowitz, Poland, now living and able to be contacted at Bergen-Belsen, Barracks, Block 89, Room 9 testifies: I was present at the interrogation of my former fellow prisoner Pinkus Filo. His statements correspond in every way with the truth and I confirm them as my own. I can testify on oath at any time before a court of justice that the incidents with Awdziei took place as described by Filo. Read, confirmed, signed. Senderowicz, Josef. Signed Schmidt, Krim. Sekr."

(Statement of Bialkiewicz, Michal is marked
exhibit 98 signed by the President and
attached to the proceedings)

MAJOR MURTON-NEALE: This is number 227. "Provision Government of the French Republic. Presidency. D.G.E.R., Ministry of Justice O.R.C.G. 205/05/P (Group). On 25th July. 1945 at Hanover before us, Captain Pipien assisted by his secretary interpreter Serjeant Lefort, there appeared Bialkiewicz Michal aged 17 years, resident at Oehrstr. No 8 Hanover, who swore to tell the truth, the whole truth, nothing but the truth, and made declaration as follows: I know Antoni Andzios from the camp Bergen-Belsen. I was 10 days in block 12, where he was orderly (Stubendienst). He killed hundreds of people, demanded gold and valuables from all prisoners, and if he did not get them, because the prisoners had none, he beat them to death. He saw that my comrade Steniek Bauer had gold teeth in his mouth. He threatened to kill him if he did not get the teeth, and he took them. A great many of my camp comrades died after being beaten by him. Sarna and Mangel, my good friends, were also amongst his victims. Signed Bialkiewicz. I, Melamed Chaim, saw myself how he beat a Russian to death in five minutes on the day when the English army marched in. (The Russian was) a strong healthy man. Signed, Melamed Chaim.

(Deposition of Jozsef Deutsch is marked
exhibit 99 signed by the President and
attached to the proceedings)

MAJOR MURTON-NEALE: This is number 228. "Deposition of Jozsef Deutsch (Male) late of Slotina Cluj, Czechoslovakia, sworn before Captain Reginald Percy Bartham Green, Royal Artillery, Legal Staff, No.1 War Crimes Investigation Team.

"I am 21 years of age and am a Jew. I was arrested by the local police at Marnarosch Sniget, Hungary, on 11th April 1944 and taken to Auschwitz Concentration Camp. This was during a general round-up of all Jewish people. I remained there for a short time only because, as I was a skilled carpenter, I was transferred to a Labour Camp in Silesia. I then passed through various camps and finally arrived at Belsen about 4th April 1945.

"On 9th July 1945, accompanied by No.13041777 Serjeant Eric George Stanley, Pioneer Corps, 21st Army Group Interpreters Pool, I visited Belsen Detention Cells where I identified a man as Anton Polanski whom I first met at Belsen. He was assistant block leader of Block 12, Camp 1, Belsen Concentration Camp. I lived in this block.

"I was with my father in Belsen and we were employed carrying dead bodies. One morning two or three days before the British arrived, at Appel, for no apparent reason, Polanski started beating my father and I in the face, over the head and on all parts of the body. My father was in a very weak condition and was so bad after being beaten by Polanski that he was taken to hospital. I believe that he died as a result of this beating for I have not been able to trace him. I have not yet recovered from the beating which Polanski gave me on this occasion and still bear the following wounds: - a deep cut on my head, an infected wound on my right hand and a deep wound on my right leg. In addition to beating my father and I, Polanski also beat many other prisoners of our working party.

"Sworn by the said deponent Jozsef Deutsch at Belsen this first day of August 1945, Signed Deutsch Jozsef. Before me, R.P. Bartham Green, Captain Royal Artillery.

"I hereby certify that, the said deponent not understanding English, this affidavit was translated in my presence to the said deponent before swearing and I am satisfied that its contents were fully understood by the said deponent. Dated this first day of August 1945. Signed R.P. Bartham Green, Captain, Royal Artillery.

"I hereby certify that I have accurately translated this

affidavit to the said deponent. Dated this first day of August 1945,

Serjeant Eric G. Stanley. "

MAJOR MURTON-NEALE: The next Deposition is No. 229, Pavel Burger.

(Deposition of Pavel Burger is marked Exhibit "100", signed by the President and attached to the proceedings).

"Deposition of Pavel Burger (Male) late of Liwadanowa, Hauptstrasse 79, Rumania, sworn before Ronald Percy Benthams Green, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team.

"(1) I am 21 years of age, and, because I am a Jew, I was arrested by the Germans on 7th May 1944 and taken to the Ghetto in Sztumare where I remained for three weeks. On 1st June 1944 I was sent to Auschwitz, remained there for four days and was then sent to Wustegersdorf Labour Camp. On 16th February 1945 I passed through Hildesheim and arrived at Hanover on 16th March 1945 and on 7th April 1945 I came to Belsen.

"(2) On 4th July 1945, accompanied by No. 13041777 Serjeant Eric George Stanley, Pioneer Corps, 21st Army Group Interpreters Pool, I visited Belsen Detention Cells where I identified a man as Anton Polanski whom I first met at Belsen. He was Assistant Block Leader of Block 12, Camp 1, Belsen Concentration Camp. I lived in this block.

"(3) I remember that very early in the morning of 8th April 1945 we had to get up to bury a large number of dead. As we came from the Block we had to pass a group of men. Amongst this group was Polanski. As we passed them they beat us. Polanski beat us particularly hard with a leather belt which had on it a metal buckle. Many of the men fell down as a result of these beatings.

"(4) Polanski frequently beat prisoners with a wooden club. I remember on the morning of 15th April 1945 when the work of burying the dead was not progressing fast enough because the prisoners were so weak from hunger. Polanski picked on a Pole named Jacobovitsch who was working near me and who was in a very weak condition. He started to beat this man with his wooden club. Jacobovitsch sat down and said that he was too ill to carry on with that heavy work but Polanski continued to beat him. We were continuing to carry corpses and I saw Jacobovitsch lying on the ground. He was dead. With other prisoners I was ordered to drag his corpse away and to put it into the large excavation with the other bodies. This we did.

"Sworn by the said Deponent Pavel Burger at Belsen this 1st day of August 1945. (Sgd) Burger Pavel. Before me. (Sgd) R.P. Benthams Green, Captain, R.A." Captain Benthams Green has also signed the translation certificate and Serjeant Stanley acted as Interpreter in this case.

COLONEL BACKHOUSE: The next, No. 280, Deposition of Sandor Engel, relates to the same accused.

(Deposition of Sandor Engel is marked Exhibit "101", signed by the President and attached to the proceedings).

"Deposition of Sandor Engel (Male) late of Rahowo, Prortstr. 2517, Czechoslovakia, sworn before Captain Ronald Percy Benthams Green, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team.

"(1) I am 21 years of age, and, because I am a Jew I was arrested in Marmorosch Sziget in April 1944 by the local police. It was a general roundup of all the Jews. I was taken to Auschwitz but was there only a short time when I was transferred to a Labour Camp in Silesia. I then passed through various camps and arrived at Belsen on 7th April 1945.

"(2) On 1st July 1945 I noticed a man in kitchen No. 6 in Camp 3, Belsen Camp, whom I recognised as Anton Polanski who had been the assistant block leader of the block in which I lived in Belsen. At the time I saw him

I was with Mendel Fuchs. Polanski, when he saw us, tried to get away but with the assistance of some British soldiers we caught him and took him to the Military Police.

"(3) I was in Camp 1, Block 12, Belsen and Polanski was the assistant block leader. One day early in April 1945 about 3 a.m. we were all called out of our block. Grouped round the doorway there were several men one of whom was Polanski. They were all armed with wooden clubs or rubber truncheons or leather bolts and as we filed past them we were all beaten. I myself was beaten on the head and neck with a rubber truncheon wielded by Polanski. I had a deep red mark round my neck for some time after the beating. While I was being beaten I fell down and Polanski continued to beat me and at the same time kicked me in the body with his heavy boots. He shouted that I did not want to work and still continued to beat me. I managed to get on my feet and worked the rest of the day carrying corpses. There was no apparent reason for this beating.

"(4) On the following day I was engaged on the same work but in order to avoid direct contact with the dead bodies we covered our hands with small pieces of cloth. When Polanski noticed this he took the cloth, which had already been in contact with dead bodies, from my hands and stuffed it into my mouth.

"(5) For the next few days I tried to avoid Polanski as much as possible as I was scared of what he might next do to me. Early in the morning of 15th April, the day on which the British arrived, he saw me with some of my friends. He followed us, driving us on all the time. He was carrying a wooden club. He shouted that all the corpses had to be removed from sight. In my party there was a Pole named Jacobovitsch who was very weak. He was aged about 40 and was a cobbler. Polanski started to shout at him to make him move more quickly, and then started to beat him with the club. Jacobovitsch fell down and cried out 'I can't carry any longer'. Polanski continued to beat him with his club until Jacobovitsch died. Polanski then ordered myself and other prisoners to drag the body to the large pit and to drop it in, which we did.

"Sworn by the said Deponent Sandor Engel at Belsen this 1st day of August 1945. (Sgd) Engel Sandor. Before me (Sgd) R.P. Bentham Green, Captain, R.A." There is the usual certificate of translation signed by Captain Bentham Green, and also the certificate signed by Serjeant Stanley as interpreter.

CAPTAIN STE WART: The next one is No. 201, the Deposition of Elisabeth Herbst.

(Deposition of Elisabeth Herbst is marked Exhibit "102", signed by the President and attached to the proceedings).

"Deposition of Elisabeth Herbst (Female) late of Kozmarck, Czechoslovakia, sworn before Major J. Dill-Smith, Intelligence Corps, Legal Staff, No. 1 War Crimes Investigation Team.

"(1) I am 20 years of age and, because I am a Jewess, I was arrested on 27th March 1942 and taken to Auschwitz. On 27th January 1945 I came to Belsen.

"(2) I recognise No. 3 on photograph Z/4/2 as a Capo at Auschwitz. I knew her by the name of Hilde Lohbauer and I have now been told that that is her correct name. One morning in August 1942 I was one of a party of women who were assembled preparatory to being marched to work. We were near the perimeter of the Camp where there was a ditch and a barbed wire surround. The ditch was about 2 metres from the barbed wire, about $3\frac{1}{2}$ to 4 metres wide and about 3 metres deep. It was half filled with water. The barbed wire was electrified. In the ditch, struggling in the water, I saw between 10 and 20 women and there were about 10 bodies, apparently dead, floating on the

surface of the water. Lohbauer, another Capo named Krause (now dead), three or four other female Capos and an S.S. Unterscharfuhrer were standing on the bank of this ditch. Lohbauer and Krause had long poles in their hands. Some of the women in the water were crying desperately for help and I heard one in particular shout 'Capo, pull me out'. Lohbauer said 'Get hold of this' and held out the pole. The woman grasped it and Lohbauer pulled her half way out. Then with a downward thrust of the pole pushed the woman back into the water. She and the other Capos were highly amused and Lohbauer did this with several other women. I watched this scene for about 20 minutes and was then marched out of camp with the other workers. When I returned in the evening the ditch was empty.

"Sworn by the said Deponent Elisabeth Herbst at Belsen this 6th day of August 1945. (Sgd) Herbst Elisabeth. Before me (Sgd) J. Dill-Smith, Major, Intelligence Corps", with the usual certificate signed by Major Dill-Smith.

The next is No. 232, Deposition of Regina Borenstein.

THE JUDGE ADVOCATE: Are you dealing with paragraph 2 ?

CAPTAIN STEWART: I am not going to read paragraph 2. The reason is that it refers to Marta Linke, and she is not one of the accused. You will remember that the photograph 25, which is S.G.C.10, is the one where the mistakes in the names occurred. This affidavit is made in August after the mistake has been corrected.

THE PRESIDENT: So we take out paragraph 2.

CAPTAIN STEWART: Yes.

(Deposition of Regina Borenstein is marked Exhibit "103", signed by the President and attached to the proceedings).

"Deposition of Regina Borenstein (Female) late of 10 Zytinia, Lodz, Poland, sworn before Major James Dill-Smith, I.C., Legal Staff, No. 1 War Crimes Investigation Team.

"(1) I am 26 years of age and because I am a Jewess I was arrested in June 1943 and taken to Auschwitz. After three days there I was taken to a Labour Camp at Hambiren, Germany, where I remained until I came to Belsen in January 1945".

Then I go on to paragraph 3: "I identify No. 3 on photograph Z/4/2 as an internee at Belsen who was in charge of working parties. I knew her by the name of Hilde and I have now been told that her full name is Hilde Lohbauer. One day in February or March 1945 I was one of a working party about to leave the camp. On girl appeared on parade with no shoes but with pieces of wood tied to the soles of her feet with pieces of blanket. Lohbauer noticed her and beat her on the head with her hands. She tore the girl's dress and made her take off the home-made sandals. The girl had to go out to work the whole day in the cold with no footwear. Lohbauer was a very brutal woman and I have often seen her beating women with a truncheon which she always carried.

"Sworn by the said Deponent Regina Borenstein at Belsen this 7th day of August 1945. (Sgd) Regina Borenstein. Before me (Sgd) J. Dill-Smith, Major, No. 1 War Crimes Investigation Team". There is the usual certificate attached.

CAPTAIN STEWART: The next are statements Nos. 233, 234 and 235, which I will put in together.

(Statements by Szparaga Rozalja, Szymkowiak Czeslawa, and Synowska Maria are made Exhibit "104", signed by the President and attached to the proceedings).

THE JUDGE ADVOCATE: Is this Auschwitz or Belsen which is referred to in No. 233? It is all muddled up. It reads: "I came to Auschwitz in January 1945 and was sent into Block 26 on February 8th 1945". That would be Belsen, but is she talking about Belsen or is she talking about Auschwitz? It must be Auschwitz, must it not; it is only charged as Auschwitz.

COLONEL BACKHOUSE: I think that must obviously be a misprint.

THE JUDGE ADVOCATE: Is it Auschwitz we are concerned with?

CAPTAIN STEWART: The first one is Auschwitz, and then it should read "1943" instead of "1945"; it does in the original.

COLONEL BACKHOUSE: It changes to Belsen about two-thirds of the way through the affidavit.

CAPTAIN STEWART: "Statement of Szparago Rozalja borned June 24th 1910 in Mozlin, r-kat, Polish Nationality, unmarried, hygienist, living in Polish D.P. Camp Glinde Block XVI room 13 who says: I have full knowledge of the responsibility for false reporting. I came to Auschwitz January 1943 and was sent into Block 26 on February 8th 1943, where Stanislaw Staroska was Blockleader. She was the only Polish woman who had the position of a blockleader, because that position required the confidence of the Camp authorities and was the result of her special merits. She was the ruler of life and death of all the women prisoners of her Block. She has chosen the candidates for the crematory, she issued hunger rations, nobody was allowed to claim better food without risking to be beaten, she created the atmosphere of fear in the whole Block. She denounced to the German Authorities on the smallest offence, e.g. at the checking the kils without the presence of Rapportfuhrerin (German roll-call leader) she found a verse, little poem about the situation at Auschwitz and in spite of our demands, she gave that verse to the German authorities and by consequence the possessor of that verse Mrs. Dada (The Polish off. wife from Warsaw) was sentenced for one year of punishment coy and 6 weeks in bunker. In our Camp there was a secret relief organisation; Stavostkdana discovered that organisation and during the inquisitory police enquiries in order to discover great groups of people, she was the executor, she beat and ill-treated the people. It happened many times and all the women prisoners can prove it and give more than 10 examples. Staroska had worse opinion than SS women. In Autumn 1943 in view of her special merits in exterminating she had got a rank of Lageralteste (Camp leader). It was a highest position in the women section of the Camp which a prisoner could obtain. She was perfectly free to move within the Camp confines without any guard, that constituted the privilege only for the people entrusted with confidence of German. One day as the prisoner were indiguated to the behaviour of Starostka, during the roll call we were informed that Starostka is the truster of Camp authorities, that she is the 'right hand' is above any criticism. All trespasser risked the death. She acted in this position until January 1945. That is the moment of the evacuation of Auschwitz. I recognise Starostka in our Camp at Glinde on June 20th 1945 at a dancing party and have spoken to her. I was quite sure that she is the same person. Now I heard that Starostka has a responsible position in the Camp Wentorf. I know her past time and as a Pole I find to be my duty to make this report, because this person ought to be prosecuted for killing and torture of 1,000 Polish women at Auschwitz. I do it also to prevent any harmful acting of hers in this Polish camp. Therefore I request to prosecute Stanislaw Starostka and punish her for having killed thousands of Polish women in the Camp Auschwitz for beating and torture the women prisoners and for the denouncing. (Sgd) R. Szparaga.

"Supplement statement. The above mentioned statement and the events given by me can prove following witnesses (1) Helena Piotrowska Camp Glinde Block 17. (2) Jezeia Pezolacz, Camp Wentorf Reserve - Hospital. (Sgd) R. Szaraga. Certify for true translation and for correction of the text. Jan Kwilecki - S/Lt and Polish Liaison Officer".

The next statement is about the same accused: "Statement of Szymkowiak Czeslawa borned April 12th 1922 in Lisiennik district pydgesses, r-kat. Polish Nationality, unmarried, shop-keeper assistant living in Polish D.P. Camp Spackenborg, Southstreet 45 who says: I have full knowledge of the responsibility for false reporting.

"I was at Auschwitz in the women Det. from 1945 and was sent to the block 26 where Stanislaw Starostka called 'Stania' was blockleader. She was the first Blockleader I have met. She has beaten us at every occasion and at any place of the body mostly on the head with anything she could hold of. I still have an ache from her hits on the back. She scolded us in a vulgar manner and denounced to the German Authorities of every smallest offence. All feared her very much when she was walking to the Camp area. All run away if they have seen the devil. She was the terror of the Camp and for instance during the roll calls for the smallest noise as punishment she ordered to kneel with the hands in the air during a half hour and more. As Blockleader and Camplader she was a beast and not a human creature. She was mercenary and those who could give food could have her favour for the rest she did not have any favour. I heard it from persons with whom I worked, but I do not remember the name.

(Sgd) Szymkowiak Czeslawa.

"Certify for true translation (Sgd) Jan Kwilecki. S/Lt.
and Polish Liaison Officer.

MAJOR MURTON-NEALE: The next one is 235 concerning the same accused:
 "The following statement was written at Spackenberg on July 6th 1945.
 I am Synowska Maria the daughter of Andrzej, Polish nationality,
 unmarried, born May 31st 1921, living in Polish D.P. Camp, Spackenberg,
 North street 15, and I have full knowledge of the responsibility for
 false reporting:

"I arrived to the concentration Camp at Auschwitz on January 16th 1943, and was sent as a woman prisoner into the block 13. Stanislaw Starostka, called 'Stenia' was at the same time blockleader of the Block 7. I saw myself when Starostka punished the women prisoners who were under her command. She like to punish as follows. The woman prisoners had to kneel with the hands in the air with stones in their hands. She has beaten the women prisoners until they lost their senses, which causes their death. She placed the women prisoner between wires loaded with electricity. She was perfect in causing the slowly death of women prisoners under her orders. She was a sadist and therefore she became the campleader. As a campleader she was the only master in the camp. She received the records during roll-calls. I saw myself when during a roll-call one of my camerades Karimiera Grakarek combed her hair on one side of the head with a ribbon in the hair. That did not pleased to Starostka. She had put the head of the woman prisoner in a bucket with water and kept her head in the water for half an hour. It was in October. Starostka was mercenary, for food and linen one could get her favours. She exterminated ill and old people, because she did not like this sort of people. Ill and old people she sent to the crematorium. She ill treated the little children in the same way as adult persons, and she caused death of thousands of Poles. Starostka is a beast in a human body. I can recognise her always. (Sgd) Synowska Maria. Certify for true translation and correction of the text. (Sgd) Jan Kwilecki. S/Lt. Polish Liaison Officer.

COL. BACKHOUSE: I shall have to leave 236 out. - at any rate, for the time being - as the second page appears to be missing. That is the page which carries the signatures.

The next is 239. This one is about No.30 (Ignatz Schlomoivicz). I do not propose to read paragraphs 6 and 7.

(Deposition of Arnost Basch is marked Exhibit 105, signed by the President and attached to the proceedings)

"Deposition of Arnost Basch (male) formerly of 170 Plzenska, Prague, 17, sworn before Major Savile Geoffrey Champion, Royal Artillery, Legal Staff, No.1 War Crimes Investigation Team. (1) I am a Czechoslovakian subject and a Jew.

"(2) I was arrested by the Germans and have been at Laurahutte, Hanover and Belsen Camps. In all three camps I knew Ignatz Schlomoivicz who was a kapo. He has come into the room during my examination and I recognise him.

"(3) He treated the prisoners in a brutal manner. He frequently hit and beat people without cause. I have seen him hit at least ten men, some old and some young, and injure them to the extent of making them bleed. Schlomoivicz carried out beatings with a rubber cable, except that at Belsen he used a stick. The beatings at Laurahutte were towards the end of last year, at Hanover about February of this year and at Belsen about March and April up to the time that the British liberated the prisoners.

"(4) It may have been necessary for the kapo to use his hands to keep order, but the beatings with the piece of cable and with the stick were out of all reason, entirely unnecessary and quite unjustified.

"(5) Were things were very bad at Belsen and a large number of prisoners were dying daily Schlomovitz showed great callousness and on a parade of prisoners said '50 people died today; unless order is kept I will see that 100 die tomorrow.' I have never seen anybody die as a result of beatings by Schlomovitz and this statement by him really had no meaning but had a bad effect on the morale of the prisoners, which was already very low owing to the horrible conditions of the camp."

There is objection to the next two paragraphs. I shall not read them. There are the usual certificates by the deponent, Major Champion and Charlotte Duschene.

The next one is 245, Sofia Rosenzweig. The accused concerned is Johanna Roth, and the photograph concerned is S.G.C.24.

(Deposition of ~~Sofia Rosenzweig~~ is marked Exhibit 106, signed by the President and attached to the proceedings)

"Deposition of Sofia Rosenzweig (female) late of 22 Joseph Pilsudski Street, Slomniki, Poland, sworn before Capt. Ronald Percy Bentham-Green, Royal Artillery, Legal Staff, No.1 War Crimes Investigation team.

"(1) I am 23 years of age and a Polish Jewess. In September 1942 I voluntarily left Slomniki and went to the Ghetto of Cracow. In March 1943 I was arrested in Cracow and taken to Plaschau Concentration Camp, near Cracow. I stayed there for about 18 months and was then transferred to Auschwitz. I was transferred from Auschwitz to Belsen in December 1944.

"(2) I recognise No.30 on photograph No. Z/5/4 as a woman whom I knew as 'Hanni' but whose name I now know to be Johanna Roth. I was also taken to Belsen Detention cells by 13118612 Corporal H. Aitchison, Pioneer Corps, 21 Army Group Interpreters' Pool, on the 10th July 1945, where I identified the said Johanna Roth as being the person I know as 'Hanni'.

"(3) I first met Johanna Roth in Belsen. She was assistant block leader in Block No.199, the block in which I lived.

"(4) There were about 800 women in Block 199 and it was the duty of Roth to get the women out of bed to attend appel. On one occasion I was sick with typhus and I felt too ill to get up for appel. When Roth came round to me to get me out of bed I told her I felt very ill but Roth insisted that I get up and commenced to beat me with a wooden lath taken from a bed. I had marks on my shoulders for two weeks after the beating. I admit that many of the internees used to feign sickness in order to avoid getting up for roll call but in my case it should have been obvious to Roth that I was very ill. It is my opinion, too, that Roth tried to please the SS too much to the detriment of the internees.

"(5) I saw Roth on one occasion beating an old woman who was lying in bed about three yards from me. It was obvious that the woman was sick and was not able to get up but Roth continued beating her. I do not know how long the beating lasted because I left the room to attend appel. When I returned to the block later in the day the old woman had disappeared. It is possible that she was taken to hospital but I have not seen her since. I estimate the woman's age as between 40 and 45, but she looked about 60. Premature aging was caused through the concentration camp conditions. A woman of 40 was considered to be an old woman in a concentration camp." There are the usual certificates by the deponent, Capt. Bentham-Green, and a Cpl. Hertz of 21 Army Group Interpreters Pool.

The next one is 257.

(Deposition of Ernst Poppner is marked Exhibit 107, signed by the President and attached to the proceedings)

MAJOR MURTON-NEALE: "In the matter of war crimes, and in the matter of the death of a number of prisoners on transit from Klein-Bodungen to Belsen. Deposition of Pte. Ernst Poppner, 5 Coy. 2 Bn., 22nd Grenadier Regiment, German Army, c/o Joseph Simon, 73 Kaiser Strasse, Rheinepfalz, Landstul, sworn before me Major P. Ingress Bell D.A.A.G. (Legal Staff) Judge Advocate General's Office.

"(1) I am 31 years of age and have been a prisoner since June 1941. I was held for alleged seditious talk.

"(2) On April 5th 1945 I was one of a party of 613 prisoners of mixed nationalities who set out to march from a prison camp at Klein-Bodungen to Belsen.

"(3) We commenced to march at about 0700 hours and we marched until dusk, covering about 51 kilometres. We had no food and most of the men wore clogs.

"(4) During this day two men collapsed and some of us put them on a handcart which we were pulling. These men recovered a little during the halt that night which was at a point about three kilometres beyond Osterode. We bivouaced near two isolated barns on the right hand side of the road.

"(5) On the following morning, i.e. 6th April Uschf. Dorr who was the N.C.O. in charge of the column took the two men to whom I have referred and also another man who had also been in a distressed condition into the barn. This was before the party moved off. I saw him make these three men kneel down and I saw him shoot two of them in the back of the head firing two shots at each of them. The third endeavoured to escape and other shots were fired, but I did not see what happened.

"(6) Some prisoners were then made to dig a shallow grave near the barn and the three men referred to were buried in this grave. I think I could locate this grave. I do not know the names of the men but I think they were Germans.

"(7) We marched away and after going about 5 kilometres I saw the said Dorr together with Berling who was a prisoner in charge of us acting under the Germans and Zimmerman and Horst Liebholdt, two other prisoners take two more prisoners from the column who were in a distressed condition into a sand pit by the side of the road. I heard shots and then the four first named men rejoined the column. I never saw the two men again who they had taken in the sand pit. I do not know the names of these men but one was a Frenchman and one was a Pole.

"(8) The march continued and later in the day the same four men took another two prisoners who were in a distressed condition into a wood which was near Salzgitter. I heard shots, the four men rejoined the column. I never saw the two men whom they took with them after this. One of these men was, I believe, a foreigner and the name of the other was, I have been told, Markgraf, he was a German.

"(9) Dorr wore grey uniform and was a member of the Deaths Head SS. He was aged about 22, dark and tall. Berling was an ordinary criminal. He was thirty six of stocky build, and rather short. He wore a yellow brassard with the letters K.P.O. printed in black. Zimmerman was also a criminal. He was about 30 and of slight build. He wore a green

triangle on the left breast of his tunic.. Liebholdt was about 30 years of age and in civilian life was a professional cycle racer.

"(10) The column was under the command of Hauptschf. Starfel, he rode up and down the column on a motorcycle during the march. He was not present to my knowledge when any of the men referred to above were taken away.. I do not know whether any report was made to him but I do know that on the late roll call I myself heard before we got to Belsen 36 prisoners were not accounted for. During the march I was told by the said Berling that anyone who could not keep up would be liquidated.

"Sworn by me the above named Ernst Poppner this 29th day of April 1945 at the British Prisoner of War Cage. (Sgd) Ernst Poppner. Before me the said Major P. Ingress Bell. (Sgd) P. Ingress Bell.

Certified that I have accurately translated the evidence of the said Ernst Poppner as recorded in my presence. (Sgd) Kenneth Leslie, Lt. Intelligence Corps."

COL. BACKHOUSE: The next one is 259. It is the same accused and just corroborates the other one.

(Deposition of Adam Mocks is marked Exhibit 108, signed by the President and attached to the proceedings)

MAJOR MURTON-NEALE: In the matter of war crimes and in the matter of the deaths of a number of prisoners on transit from Klein-Bogunden to Belsen. Deposition of Adam Mocks, of 68 Platter strasse, Wiesbaden, Transdriver, sworn before me Major P. Ingress Bell, D.A.A.G., Legal Staff, Judge Advocate General's Office.

"(1) I am 30 years of age and have been a prisoner since the 10th April 1942. I was held for not performing service with the Heimatflak and because of my previous membership of the Reichsbanner.

"(2) I accompanied Ernst Poppner on the march of the prisoners from Klein-Bodungen to Belsen from April 5th until the 11th April. I have heard the deposition of the said Ernst Poppner made to Major P. Ingress Bell and translated by Lieut. K.W.E. Leslie on the 29th April 1945 at the British Prisoner of War Cage. I am able from my own observation to corroborate and I do corroborate the facts to which the said Ernst Poppner has deposed.

"Sworn by me the above named Adam Mocks this 29th day of April 1945 at the British Prisoner of War Cage. (Sgd) Adam Mocks. Before me the said Major P. Ingress Bell. (Sgd) P. Ingress Bell", and then follows the certificate of translation signed by Lt. Kenneth Leslie.

THE PRESIDENT: Does that complete the affidavits?

COL. BACKHOUSE: Except the one of which one page is missing. If the defence want me to I can call the evidence, but I want to prove a copy. I have only the first page of the original here. I have a copy which is taken from the cyclostyle copy.

THE PRESIDENT: Have you got the signature?

COL. BACKHOUSE: It is in the cyclostyle copy, but the rules do allow me to put in a copy where the original cannot be produced. I can produce the first page of the original in which there is the heading "Sworn before Captain Alexander Mackinly Forbes", and he has initialled the two alterations on the first page. I can, of course, put in the cyclostyle copy, and that I propose to do subject to any objection which is made. It is pages 236 and

and 237. There will be a duplicate, of course, in Col. Genn's file, but I am afraid he is not here today.

THE JUDGE ADVOCATE: Could you get it today?

COL. BACKHOUSE: I could get it today, but I think the rules plainly entitle me to put a copy in.

THE PRESIDENT: You know there is an original in existence?

COL. BACKHOUSE: I know there was, because I produce the first page, and there is a pin mark where the second page has been pinned to it. It was in the file with the other original and the second part seems to have been lost. This cyclostyle copy was prepared from the original.

THE PRESIDENT: I think the regulation is perfectly clear. We will accept it.

COL. BACKHOUSE: If you please. I will put in the original first half plus the copy. It is in connection with the accused Burgraf.

(Deposition of Sevek Kobriner is marked Exhibit 109, signed by the President and attached to the proceedings)

LT. JEDRZEJOWICZ: I wish to make application for the omission of paragraphs 3 and 4 of this deposition as they do not disclose an offence under charge one of the charge sheet. That evidence purports to when the accused No. 20 (Medislaw Burgraf) was an internee at Drittee camp and not at Belsen.

THE PRESIDENT: Your application is based on the fact that he was not at Belsen during paragraphs 3 and 4?

LT. JEDRZEJOWICZ: Yes.

COL. BACKHOUSE: Now, Sir, in this case I have already proved that the accused here was, in fact, part of the Belsen party by the affidavit on page 107 of Marcinkowski, and I submit I am entitled to prove that he was carrying on precisely the same course of conduct before he arrived at Belsen. From the cross-examination it has been made clear that one of the points in the defence which is to be taken is that the incidents at Belsen were such that they were reduced to behaving, at any rate, somewhat roughly. That is why I want to prove that before he ever arrived there he was, in fact, behaving in precisely the same way in a camp where these conditions had not arisen.

THE JUDGE ADVOCATE: I suppose it is admissible on that ground. It is not admissible as evidence of an offence committed at Belsen.

COL. BACKHOUSE: It is not sought to be admissible as evidence of an offence committed at Belsen; it is sought to be an offence committed before he got there to show he was carrying on a course of conduct, and I submit it is plainly admissible on that ground.

THE JUDGE ADVOCATE: I think, Sir, you have already considered this point, and I think you have decided that as it was part of a system supporting that particular charge which is before the court you admitted it on that ground.

(The court confer)

THE PRESIDENT: All right, you may read it.

MAJOR MURTON-NEALE: "Deposition of Sevek Kobriner (Male) late of Senatorska 18, Czenstochau, Poland, sworn before Capt. Alexander Mackiney Forbes, R.A., Legal Staff. No. 1 War Crimes Investigation Team.

"1 I am 30 years of age and, because I am a Jew, I was arrested in June, 1942, and taken to the Ghetto in Czenstochau. I was transferred to an iron works in the same town in March, 1943, from where I escaped in June, 1944. After a month I gave myself up and was sent to a prison in the same place. I was transferred to Gross Rosen in August, 1944, to Camp Dritte in September, 1944, and finally to Belson in April, 1945.

"2. On 20th June, 1945, I was shown by No. 14573509 Sjt. Edward Dinsdale, 86 Special Investigation Section, Corps of Military Police, a man whom I recognised as a Capo in Dritte Camp. I knew him by the name of Burgraf and I have now been told that his full name is Modislaw Burgraf.

"3. At Camp Dritte, Burgraf was in charge of the working party to which I belonged. We worked in a shell factory, a branch of the Hermann Goering works, in day and night shifts. One night in February, 1945, a friend of mine called Wachtel who came from Cracow, was very weak and could not work as quickly as the others. Burgraf approached him and commenced to beat him with a thick square stick all over the head, face and body. His eyes became very swollen and he had a bleeding nose. My friend was unable to continue working and had to sit down. When we left the factory at the end of the shift he was unable to walk and another man and myself assisted him to the camp. When we arrived at our block my friend started shouting and throwing his bedding about. He spoke in a confused manner and generally behaved strangely, as if his mind was unbalanced. Burgraf called a Warden of the hospital and I assisted the warden to carry the man to the hospital. Two days later friends in the hospital told me that Wachtel had died. I have not seen him since that date.

"4. One day in January, 1945, I saw Burgraf beating my friend Wolf Platkewitch, who worked in the same shell factory at Dritte. He hit him partly with his fists and partly with a wooden stick on the face. I do not know the reason for the beating but I noticed that some shells which should have been stacked had collapsed. Immediately afterwards the Capo, whom we called Siga, in charge of the working hall appeared and I heard Burgraf tell him that Platkewitch had committed sabotage. Both capos then took him into a small wire-partitioned place where they laid him over a box face downwards. They then commenced to beat him with iron bars all over the body until he lost consciousness and fell off the box. The two Capos then went away. He was unable to work any more that day and had to be carried back to his block at the end of the shift. His body was badly bruised and he was in hospital for four weeks. Siga was a deserter from the German Army. He was about 28 years old, 5 feet 7 ins. tall, slender, with fair hair, thin face, long nose and pale complexion, clean shaven.

"Sworn by the said deponent Sevek Kobriner at Belson this 23rd day of June, 1945 (Signed) Sevek Kobriner, before me (Signed) Alexander Mackinly Forbes, Capt. R.A."

Then follow the usual certificates, by Capt. Forbes and the Civilian Interpreter, Traute Neumann.

COL. BACKHOUSE: The next affidavit I propose to put in is on page 46, that of Helena Kopper; she is accused No. 46. I understand my friend is going to raise an objection.

MAJOR CRANFIELD: I object to this statement going in. The deponent is one of the accused. On page 94 of the Manual appears the following passage: "If the prosecution find it necessary to call one suspected participator in a crime as a witness against the others the proper course is not to arraign him or, if he has been so arraigned, to offer no evidence and to take a verdict of acquittal". That is the procedure in an ordinary court-martial,

The reason for it is easily intelligible. The spectacle of one criminal turning on his fellow criminals to save his own skin is not one which is attractive to British justice. If the prosecution are to be allowed to put in this statement they must rely upon Regulation 8 of the Royal Warrant and, as was pointed out the other day, the Regulation is permissive; the Court have a discretion to admit evidence if they think it desirable.

We have heard from the prosecution's other witnesses their opinion of the accused Kopper; they have called her an informer; they have called her a liar. That is the opinion of the prosecution's own witnesses of the person whom they are now putting forward as a witness on their behalf. In my submission it must be obvious to the Court now that anything contained in this statement is worthless. In my submission it does not become the dignity of the Court or of a prosecution on behalf of the Crown for such a statement from such a source to be accepted.

THE JUDGE ADVOCATE: I hope you do not mind me interrupting but it would help me if I put my points to you as we go along. You appreciate that that statement may be put in by the prosecution as evidence against Kopper, and surely there can be no objection to that in any Court of Law.

MAJOR CRANFIELD: In so far as it is put in as a confession then I would object to it on other grounds. For the moment I am objecting to it as a statement by one accused turning round and accusing her fellow accused and, from my perusal of the copy supplied to me, it appears that by far the greater part of her statement is concerned with those matters. If the prosecutor is prepared to withdraw that part of the statement making accusations against her fellow accused then, for myself, I am prepared to accept any part of it which is put in as evidence against Kopper because I do not appear for Kopper, but I reserve for myself the right to object in regard to another statement made by one of the accused for whom I appear on other grounds in due course. As a statement put forward by one accused against her fellow accused then for the reasons which I mentioned I do not think it is proper for a Court of this kind to accept it, not as a matter of law at all but because it is quite obviously coming from that source which cannot be anything other than completely worthless. For that reason I would invite the Court to reject it.

THE JUDGE ADVOCATE: Before you finish your argument would you let the Court have your views as to what is the meaning of Regulation 8(2).

MAJOR CRANFIELD: Is that the part dealing with the evidence against one being evidence against the other?

THE JUDGE ADVOCATE: Yes. I am only drawing your attention to it in case you want to address the Court on it.

MAJOR CRANFIELD: I do not think so. In this case it is my submission it is not a matter of law at all; in my view the Court can accept this statement if they wish to, but my view is that it is, from the source it comes, very plainly worthless and in my opinion beneath the Court to accept such a statement.

COL. BACKHOUSE: I would like to take the first part of the objection very shortly. I do not agree with my friend that this Regulation is merely permissive; it is permissive in one sense, but where a Court may accept evidence if that evidence is proper and they are allowed to accept it because it is admissible in law then, in my submission, they must accept it. In other words evidence which is admissible in law, which is proper, if the Court may accept it they must accept it, subject to such weight they attach to it afterwards. It is a matter entirely for the Court. The Regulation used the word "may". It is permissive in the sense that they can admit evidence that would not otherwise be admitted, and if it is open to them they shall admit it. The Court has not a discretion to say all this evidence is legal and we will accept that part and reject that part. Provided the Court is satisfied the evidence is properly tendered they must admit it.

Whether or not you accept that point, the second point I would make is this: these Regulations have been specifically made to meet this particular case. The sole reason for the statement on page 94 of the Manual of Military Law, that the prosecution will not be allowed to call one of the accused unless they take the accused out of the indictment or unless they get the accused tried separately first, is because you cannot put her in the box to be cross-examined about her own crime. I am not seeking to do that.

As the learned Judge Advocate will explain to you, in every case I have ever been in yet, and I am sure in every case he has sat on, where there has been a joint charge or a charge of conspiracy and one of the accused has made a statement it is always proved. The only difference in this case to the usual method of proof is that as a rule one has to call a witness to prove it -- because in other courts an affidavit is not admissible -- but in this Court affidavits have been made admissible and therefore it can be put in without calling somebody to prove it.

If my friends had wanted to attack the manner in which it was taken they could have done so when he was called, but they apparently did not see fit to attack it so there seems to me they have no objection to the way in which it was taken.

So far as the statement itself is concerned I put it forward as a deposition taken by Major Champion in the course of his enquiries. I say that it is admissible on the general grounds of Regulation 8(1). I would go further and say it is specifically made admissible as one of the particular things which is admissible quite apart from the generality of it. Any deposition, or any summary, or any examination made by any officer detailed for the purpose by any military authority is included, and you have heard that both Major Champion and Major Smallwood were in fact both detailed. Major Smallwood gave details of the persons who first went up and Major Champion was one of the members of No. 1 War Crime Investigation Team detailed for that special purpose. I would say this statement comes within that specific category in that paragraph.

So far as the question of it being a statement in which allegations are made against other persons and being evidence against them, I agree that in an ordinary Court that would not be so, but it is, of course, precisely why Regulation 8(2) has been put into the Regulations, to make a statement made by one accused evidence against the other accused. In fact I would go so far as to say that Regulation is nonsense if this statement was not put in because that is all the Regulation says.

MAJOR CRANFIELD: I must take the learned prosecutor's first point. I was surprised to hear him suggest when the Royal Warrant says the court "may" accept the evidence it meant the Court "shall" accept the evidence. In my submission the document must be read in the common-sense way as in ordinary English law, and I would refer you to the sub-paragraph which says: "The Court may take into consideration any oral statement or any document appearing on the face of it to be authentic provided the statement or document appears to the Court to be of assistance in proving or disproving the charge. How it can be said in view of the fact that the discretion invested in the Court ----

COL. BACKHOUSE: I say there is no discretion on the point as to whether it is admissible. Quite obviously if it is irrelevant the Court can leave it out.

MAJOR CRANFIELD: Surely that is the point we are discussing, whether the Court considers this statement of any value in proving or disproving the charge or whether it does not. In my submission the Court has a discretion and I say the statement is valueless.

With regard to the learned prosecutor's second point, which he enlarged on, about the way the statement was taken, in my submission what he said was irrelevant to the point now at issue. I would specially make it clear that in so far as this statement is sought to be evidence against the accused Koppor I am not at the moment objecting to it, not because I do not think I could object to it if I was appearing for Koppor but I object to this statement in so far as it accuses others in the dock.

To suggest that the object of Regulation 8(2) is to let in statements of this kind is, in my submission, palpably wrong; the object of 8(2) is to introduce into the law of procedure governing this Court the proposition that if you prove one of the accused a member of a unit then evidence against a member of that unit shall be evidence against your accused merely because he is a member of the unit. That is the object of 8(2), to bring in the proposition which could not be supported in an English Court or any Court of law without express permission. To suggest that 8(2) was put in to prevent the Court exercising its discretion in rejecting a worthless piece of evidence on the ground that it is a waste of time and does not assist to prove or disprove the charge is, in my submission wrong.

SUMMING-UP ON OBJECTION.

THE JUDGE ADVOCATE: May it please the Court. As your legal adviser at this Military Court which is convened under the Regulations for the Trial of Alleged War Criminals, it is my duty to advise you what the law is that applies in this Court. I am not going to be drawn into any arguments as to whether the law you have to administer is good law or bad law from the point of view of policy. It is your duty, just as it is mine, to enforce the law which applies here.

It seems to me that this is a very simple proposition, as I see it. Regulation 8(1) reads as follows, if you take out the wording which is applicable: "At any hearing before a Military Court convened under these Regulations a Court may take into consideration any document appearing on the face of it to be authentic, provided the document appears to the Court to be of assistance in proving or disproving the charge, notwithstanding that such document would not be admissible as evidence in proceedings before an ordinary General Court-Martial".

Once again you are in the same difficulty in dealing with a document which is alleged to be an affidavit by the accused Hilona Koppor. Of course you cannot consider whether it is of any worth or valueless until you have read and seen what it contains. It seems to me -- but it is entirely for you to decide this because I do not think it is a question of law at all -- that you will have to read that document and then say are you satisfied that it appears to be an authentic document on the face of it? You must then say whether it is a document which would help you in proving or disproving the charges which are before you. I can conceive of nothing that is more likely to help you prove or disprove this charge than a statement which may be made by an accused person, whether it relates to himself or to other accused.

That being my view I merely invite you to apply the law. I am not concerned with whether if you apply it it would be dignified or not; in fact I do not see why it should be otherwise if you enforce the law. I suggest that this is a simple question for you to decide, Sir, with your Members, and I see no reason in law why you should reject this affidavit which is tendered to you by the prosecution in evidence.

(The Court confer.)

THE JUDGE ADVOCATE: The Court have not thought it necessary to retire but they have considered the objection and decided that this document will be admitted. Of course they reserve for themselves the right hereafter to say how much weight they will attach to it when they come to consider it in the light of all the evidence they will have before them.

(Deposition of Helena Kopper is marked exhibit 110 signed by the President and attached to the proceedings)

COL. BACKHOUSE: This is deposition number 46. "Deposition of Helena Kopper (female) late of Ploey, Hungary, sworn before Major S. Wile Geoffrey Champion, Royal Artillery, Legal Staff, No. 1 War Crimes Investigation Team. I am 35 years of age. Neither my husband nor I are Jewish. I was arrested in Cracow in June 1940 because the Gestapo suspected me of anti-German sympathies and found me in possession of an anti-German pamphlet. I was in prison for four months at the Gestapo prison, Cracow. I was sent to Ravensbruck Camp in October 1940 and subsequently to Auschwitz-Birkenau in October 1941, thence to Belsen-Bergen in December 1944.

"I recognise No. 2 on photograph Z/4/2 as SS Aufseherin Irma Grese. I knew her first in Ravensbruck in 1941 but I know of nothing against her during that time. She was blockleader at Auschwitz and subsequently in charge of the punishment company in Auschwitz from 1942 to 1944. She was in charge of the punishment company when working outside the camp for six months in 1943. The remainder of the time she did not go outside. I was also in the punishment company and during the time that Grese was in charge when working outside we were employed outside the camp in a sandpit. There were 700-800 women working in this company some of which were detailed to dig sand and fill iron trucks with the sand and others had to push these trucks along a narrow gauge railway. The place in which we worked was surrounded by a strand of wire about three to four feet high and we were not allowed to go outside this wire boundary. There were twelve guards placed at intervals around the wire. It was the practice of Grese to pick out certain of the Jewish women prisoners and order them to get something from the other side of the wire. She always worked with interpreters. When the prisoners approached the wire they were challenged by the guard but as Grese usually picked out non-Germans they did not understand the order and walked on and were shot. Some even of the prisoners who did understand German and knew it was death to cross the wire did so because they were too weary and ill to bother. Occasionally a guard would not shoot but would force the prisoner to return to the working party. I myself was called as a witness at an enquiry which was held by the political department on a guard who refused to shoot prisoners which Grese had ordered to cross the wire. At the enquiry I identified the guard who was handcuffed. In my presence the guard stated that the women were being worked too hard and that Grese was purposely sending them to the wire so that they would be shot. The next day the guard was on duty again and Grese had gone. I next saw her in Belsen in February or March 1945 as a Rapportfuherin.

"Whilst Grese was in charge of the working party she always carried a rubber truncheon. She was responsible for at least 30 deaths a day resulting from her orders to cross the wire but many more on occasions. It was always my job, ordered by Grese, to count the dead and I, together with some other women, used to load the bodies into one of the railway waggons after working hours. The bodies were subsequently removed by ambulance. I know two of the women who helped me on these occasions. Their names are Canina Stasicka and Karola Mikot. I saw them last on 6th June 1945 in Belsen camp. Both are Polish Aryans. Their Auschwitz numbers tattooed on their arms are 10,565 and 10,566. I do not know which of them had which number. Both had lived at Cracow. I know the name of one internee who was shot by a guard when ordered to cross the wire. It was Anna Guterweiss of Czechowies, near Cracow. In fact I wrote to her son to tell him that his mother had died. It is possible that orders to cross the wire were not in every case given by Grese because the Capos used to try it but it is almost certain that Grese was responsible in almost every case".

The next paragraph refers to No. 6, Bormann. "I identify No. 3 on photograph 19 as SS woman who was at Auschwitz during 1943/4. I knew her by the name of Bormann and have now been told that her full name is Juania Bormann. She was the worst hated person in the camp. At first she was in charge of the clothing store and then in charge of labour. She always walked with her a large dog which she set on to the prisoners. On one occasion when I was undergoing a minor punishment, it was in the summer of 1944 as near as I can remember. I was kneeling down with my hands in the air and I saw Bormann approach a prisoner, a female, who was going towards the offices. Bormann stopped the woman and took something out of the woman's pocket. She then hit the prisoner with her right hand and then clasping her by the hair throw the woman to the ground. Bormann was holding the dog by a strap in her left hand and when the woman was lying on the ground she let the dog go and it bit the woman severely. When the dog had finished the woman was a mass of blood and one of her breasts had been torn severely. A doctor S.S. Obersturmführer Rodek came and examined the woman. He was a good doctor and behaved always well. There was no movement from the body and four prisoners were instructed to take the body away on a stretcher to Block 25 which was notorious as the death block that is the block to which people were taken when they were dying or where they were lodged prior to being taken to the gas chamber. In 1942 not long after I had been at Auschwitz, Bormann found some cigarettes and photographs in my bed. For this she beat me on the face with her hand and then set her dog on to me. I was bitten in the left arm near the elbow. Bormann walked me to the hospital and I was there for six weeks. I believe Bormann called the dog off only because she was a sadist and enjoyed doing that sort of thing. I received an official beating for having cigarettes when I came out of hospital. Bormann left Auschwitz in the summer of 1944".

The next paragraph refers to Herta Ehlert. "I recognise No. 5 on photograph 22 as an SS Oberaufseherin at Belsen. I knew her by the name of Ehlert and I have now been told that her full name is Herta Ehlert. Two weeks before the British came, it was in early April, the roll call at my block was incorrect and Ehlert beat me with her hand, but not very much, but she stopped the food the next day for the whole of the block as a punishment."

Then comes Volkenrath, number 7. "I recognise No. 6 on photograph 22 as an SS woman who was at Auschwitz. I knew her by the name of Volkenrath and have now been told that her full name is Elisabeth Volkenrath. She was responsible for selections for the gas chamber at Auschwitz camp from Block 10 where I lived. I attended seven selection parades and she and SS Rapportführer Tauber between them made all the selections. Volkenrath was not merely acting as a guard - she personally picked out victims for the gas chamber. On one occasion out of a block containing 1400 prisoners there were only about 300 left after the selections had been made. I left Auschwitz in November 1944 and next saw Volkenrath at Belsen in February 1945, when she said to me that Germany had lost the war and we should all be hanged".

The next paragraph does not relate to anybody in the dock and I do not propose to read it.

Paragraph 9 I do propose to read. "I knew an SS Arbeitsdienstführerin Hasse at Auschwitz. I would describe her as about 20 years of age, about 5ft. 3ins. in height, very blonde hair (natural), straight, and worn in an upward style, blue eyes, blonde eyebrows, small mouth, round face, healthy complexion, slim build, good even teeth, beautiful, good figure, and very smart in her dress. This woman was in charge of the transport columns which arrived at Auschwitz from time to time. These transport columns consisted of people who were to be exterminated at once and they did not spend any time in the camp. She used to lead the columns to the gas chamber and where there were babies in arms she ordered them to be thrown

into a hold which was connected to a stove and they were burnt alive. I was employed in cleaning up the ground near the crematorium and I saw this happen many times. Hasse always wore a pistol but I never saw her use it - only to threaten people".

The next paragraph relates to Flrazich, number 16. "I recognise No. 5 on photograph 1 as an SS man who was chief cook at Belsen. I have now been told that his name is Karl Flrazich. A week before the English arrived I went to fetch food from the kitchen for my block and the internees who were queueing for their food started to push and Flrazich who always stood on the steps at the entrance to the kitchen, shot a girl with his pistol. The girl, who was pregnant, was shot in the arm and as she belonged to my block I took her to the hospital. She became unconscious and died whilst I was there. I cannot say why she died as she was only shot in the arm - she was very weak. I know this because a doctor examined her and told me she was dead. My block was next to the kitchen and I saw Flrazich shooting repeatedly at the internees many of whom fell down and were flung on to a heap".

I will not read the next paragraph.

Paragraph 12 relates to number 26, Schreier. "I recognise No. 1 on photograph 9/4/1 as an SS man whom I knew at Auschwitz and Belsen. I have also seen him in custody and I know beyond all doubt that he is the same man. I knew him by the name of Hansi and I have now been told that his full name is Henrich Schreier. I first met Schreier in the winter of 1942/3 at Auschwitz. He was in charge of a Strafkommando in which I was working. He spoke to everyone in the Strafkommando and asked them their jobs in civil life and when I told him that I was a Professor of Music he at once became interested. He talked all day about music and politics. He spoke badly of the Germans and said that the war was already lost. One day I was sentenced to 12 days in the bunker for smoking. Schreier was in charge of this bunker. He told me that he was in charge of the political department and that he would tell me all that was going on if I would play the violin for him. I agreed to do so and he brought me a violin. He told me that 10 people in the bunker were to be hanged and many to be gassed the next day. I played 'Mother Love' to him and he told me that he had no mother and if I played it again he would shoot me. He also asked me to play something Rumanian or French and when I asked for music he said he would write it for me which he did. When I had finished playing for him he wrote on the doorpost 'England will come to help'.

"I afterwards spoke to an American boxer named Jacob who was in the bunker and he told me that Schreier was an intelligent man and spoke Rumanian, French, Polish, Russian, German and English. Schreier spent almost each day in my cell and I formed the opinion that he was not normal. He told me that he was a homosexual. After I was released from the bunker Schreier said that he wanted me to join the camp band but I could not do so whilst I was in the punishment party. In an attempt to get me off the punishment party Schreier arranged a meeting for me with Hessler whom I identify as No. 1 on photograph 9. Hessler told me that I had to stay in the punishment party. I saw Schreier whilst I was at Belsen in December 1944 or January 1945. I spoke to him about three times. The last time I saw him was at 2100 hours one evening about three weeks before the British came. He came to my room and he was very dirty. He said that he had been working in the woods and had buried some secret papers. I said that I would like to see where they were and he agreed to take me. We went out of the camp to a spot between the crematorium and the sand-pit and he showed me where five or six boxes were buried. They were only covered with a little earth which he scraped away and I actually saw the boxes which he said contained the last papers the Germans possessed and ammunition. On 31st June 1945 I showed Captain A.J. Fox, General List, D.A.P.M. 66 Special Investigation Section, Corps of Military Police, where the boxes had been buried. They were no longer there. One day in

Belsen Schreier showed me three passports or identity cards. Each of them had a photograph of him and each card was written in a different language, and the names were different names. The name "Schreier" was not one. I do not think Schreier is his real name. There was an elderly man at Auschwitz whose name was Schreier.

"Sworn by the said deponent Helena Kopper at Belsen this 26th day of June 1945, Signed Helena Kopper. Before me: Signed S.G. Champion, R.A." Then there are the usual certificates.

COL. BACKHOUSE: I understand that the defence have not had this affidavit translated and that they require it to be translated to the accused.

THE JUDGE ADVOCATE: The one which we have just read ?

COL. BACKHOUSE: Yes, and all the remaining ones. I understood that they had all been translated. I offered to have translated any affidavits they required, but I understood that they were prepared to do them with their own interpreters.

MAJOR CRANFIELD: The only affidavits we had translated were the affidavits of the witnesses.

THE JUDGE ADVOCATE: How many are there ?

COL. BACKHOUSE: Nine persons and eleven affidavits in all.

THE PRESIDENT: Is not there a German original of these ?

COL. BACKHOUSE: No; it was translated as they went along. The defence supplied me with a list of depositions they required to be translated, and they specifically referred to this affidavit and said all they required to have translated was page 47 paragraphs 4 and 5. I could have had it done for them if I had known about it, but they said they were going to have it translated themselves.

THE PRESIDENT: Very well; whilst the affidavits are being read through there is no reason why an interpreter should not be starting to translate these affidavits that have already been read. When we reach a certain stage we will find how far we have got with the affidavits that have not been translated, and those affidavits that have not been translated can be finished later. That will considerably curtail the time.

(At 13.00 hours the Court adjourns)

(At 14.30 hours the Court reassembles)

The accused are again brought before the Court.

MAJOR MURTON-NEALE: The next is the Deposition of Herta Ehlert, No. 192.

"Deposition of Herta Ehlert (Female) SS Aufseherin, late of Alexanderplatz, Berlin, sworn before Lieutenant-colonel LEOPOLD JOHN GINN, Royal Artillery, Commanding, No. 1 War Crimes Investigation Team.

"(1) I am 40 years of age. I was occupied as a Bakery Saleswoman until 15th November 1940, when I was conscripted into the SS. I do not regard myself as a member of the SS because I was not in sympathy with them but I have worked as an Aufseherin with the SS since that date. I would be ashamed of belonging to the SS because so many things happened which were terrible.

"(2) I reported to Ravensbrück where I remained for two and a half years as Aufseherin. In Autumn 1943 I was sent from Ravensbrück to Lublin. I stayed there until Spring 1944 as Aufseherin in the Laundry and I was then sent to Cracow Work Camp and Concentration Camp. In November 1944 I went to Raisko which was a dependency of Auschwitz. On the 15th January 1945 I was sent to Oranienburg and thence to Belsen early in February 1945. At Belsen I continued to be an aufseherin and Elizabeth Volkenrath, who was the Chief of the SS women, made me her assistant.

"(3) The conditions in Belsen were a shame and a disgrace. I consider that the people chiefly responsible were Kramer the Commandant, Dr. Horstmann, Untersturmführer Klipp who was for a time Kramer's Second in Command, and Hauptsturmführer Vogler who worked in Kramer's office and was responsible for food supply. I say that Kramer was responsible for the conditions, among other reasons, because on one occasion when I complained of the increasing death rate to Kramer he replied 'Let them die, why should you care'.

"(4) I have no knowledge of any shooting of inmates at Belsen when I was there except for one girl who was shot trying to escape from an outside working party and a Nurse who was shot and killed from one of the guard towers when a window was not blacked out quickly enough during an air raid alarm. I do not know the names of either of the victims or of those who did the shooting.

"(5) I have often seen prisoners beaten at Belsen. One of these I have seen beating prisoners is Rapportführerin Gollasch. When Gollasch beat people she did it very heavily and always with a weapon such as a walking stick, piece of wood or anything she could find. She hit them on the head, on the back, or on any part of the body. I do not know whether prisoners died as a consequence of their being beaten but I have often seen her continue until blood came from the victim's mouth and nose. The victims were in such a weak state that they would be very lucky to survive such beatings as I saw her give. Gollasch left Belsen six days before the English arrived and I believe that she went home to visit her people at Kothbus.

"(6) I remember some time in February a Polish prisoner called Kaporova was being beaten by four of her fellow internees for having betrayed them when Gollasch came into the room and continued to beat her with a stick to such an extent that I tried to make her stop. The victim was at least partly clothed but I think she lost some of her clothing in the course of the beating.

"(7) I have never seen anybody else beat prisoners in Belsen. I myself have struck them only with my hand, never with a weapon.

"(8) I have been told by many of the prisoners that after the Hungarians took over guarding the Camp, which was about a week before the arrival of the British, four nights in succession they had shot at prisoners

from the Watch Towers giving as an excuse that the prisoners were trying to escape.

"(9) I remember an occasion at Belsen some time in February or March when an escaped prisoner, either a Polish or a German woman, was caught after trying to escape. Kramer, the Commandant, questioned the girl in front of several of us SS women and I saw him kicking and shaking her and later hit her with a stick on her head and face and all over her body quite unmercifully. As a result of this she gave the names of two girls whom she said had helped her to escape. Kramer sent for these two girls and instructed Kasainitzky to give each of them five strokes on the bare behind to make them confess. I saw Kasainitzky carry this out with a walking stick and each of the girls was then made to stand in a corner while Kasainitzky took one of them into another room to interrogate her. I was present throughout these proceedings with Collasch and Volkenrath but left when the first girl was being interrogated and do not know what subsequently happened.

"(10) Although I have not witnessed any beatings of prisoners by other SS I have heard that Ilse Forster and Freda Walter used to beat internees to a quite unreasonable extent. One young Rottenfuhrer whose name I do not remember but who was at Belsen for three or four days told me on one occasion that he was on his way to complain to Unterscharfuhrer Muller that he could not continue to work in the cookhouse while the brutality of the beatings given by Ilse Forster and Freda Walter was allowed to continue. I also found Ilse Forster myself, when visiting the cookhouse, with a very red face and in an excited state, which she told me was due to her exertions in beating prisoners.

"(11) I have also heard that Irene Haschke and Herta Bothe have often beaten prisoners and that Gertrud Sauer and Gertrud Fiest had the reputation of being very severe. From my own knowledge of Johanna Bornmann and from working with her I believe that the stories about her brutality to prisoners are true although I have not myself witnessed it. I have often seen the dog which she had and heard she used to let it loose on prisoners. Although I have not seen it I can well believe it to be true.

"(12) I should like to add that Hilda Lisevitz and Elizabeth Fritzner to the best of my knowledge and belief were always well behaved and treated prisoners really decently.

"(13) I believe that some of the prisoners are blaming us for things that were done by the Aufseherin who preceded us at Belsen. For instance, I remember that SS woman Sporn, who left Belsen about 20th February 1945 because she was pregnant (according to what Volkenrath told me, as a result of a love affair with Kramer) has, on occasions, punished numbers of prisoners by making them kneel with bricks or stones on their heads and their hands above their heads for as long as three hours at a time. I can speak of this of my own knowledge since I saw it happen. I have often heard Kramer order similar punishment of individuals.

"Sworn by the said Deponent Herta Ehlert at Celle this 11th day of June, 1945 (Sgt) Herta Ehlert. Before me (Sgt) L.J. Genn, Lieutenant-colonel, Royal Artillery, who has also signed the translation certificate, and the interpreter was Corporal Colburgh.

COLONEL BACKHOUSE: The next one is 194, the deposition of Irma Grese.

MAJOR CRANFIELD: There are in all three statements by Irma Grese, on pages 194, 196 and 197, and I wish to object to the handing in of those.

COLONEL BACKHOUSE: I only introduced one. Do you object to the first one?

MAJOR CRANFIELD: I thought it would be convenient to say that I object to them

all, including the first one.

My objection is on the ground that those statements are in law inadmissible. At the time the statements were taken it appears from the face of them that the Deponent was in custody, and I say that being so, before the statement was taken the usual caution should have been administered, and I go further and say it is the duty of the Prosecution to prove to the Court that the usual caution had been administered.

Those are my points with regard to the ordinary court-martial, and I now turn to Section 8 of the Royal Warrant within which I think it is not unlikely the learned Prosecutor will argue those statements are admissible.

THE PRESIDENT: You said that she was in custody ?

MAJOR CRANFIELD: Yes.

THE PRESIDENT: Is there any proof of that ?

MAJOR CRANFIELD: That appears on the face of the statement.

THE JUDGE ADVOCATE: I think there is no doubt about this.

COLONEL BACKHOUSE: I would not for one moment deny it - she obviously was. She was not charged with anything, but she was in custody.

MAJOR CRANFIELD: The passage in the Manual, if you would like to have it referred to, is on page 92, a quotation from the Judges Rules, sub-paragraph 3: "Persons in custody should not be questioned without the usual caution first being administered". However, I think the main point on which I shall have to satisfy the Court, is that the Prosecution cannot put this in under Regulation 8 of the Royal Warrant. In my submission it is the duty of the Court to interpret the Royal Warrant and when so doing it should be construed reasonably, and in any case of doubt it should be construed strictly against the Crown, whose document it is.

That is my first point. My second point is that it should be construed according to its meaning as appears from its terms, and that no generality of words, however wide, can operate to embrace something which does not appear to be intended. My third point is that it is open to the Court, in order to ascertain the meaning of the document, to look at the document as a whole and see what evidence can be derived from it to help them to ascertain the meaning.

Now I wish to draw a distinction between the statement of Kopper and the statement here. The statement of Kopper was a statement of evidence against other persons. The statements here we are dealing with at the moment are, in my submission, confessions and admissions of the Deponent.

Now what is the meaning of Regulation 8 ? In my submission the intention of that Regulation is to enable the Court to hear secondary evidence in lieu of primary evidence. Now confessions and admissions are a well known part of the law of evidence and, in my submission, it is significant that nowhere in this Regulation is there any mention of a confession or an admission by an accused person.

Secondly, I say that the Warrant in Regulation 3 details those Sections of the Army Act and those Rules of Procedure which shall not apply to this Court. Now it is well known to the Court that when a statement is taken from an accused person Rule of Procedure 4 stipulates that the usual caution shall be administered, and I would point out to the Court that Rule of Procedure 4 is not excluded by Regulation 3.

In my submission it is perfectly clear that had the Warrant intended to embrace under Regulation 8 confessions or admissions by accused persons then Rule of Procedure 4 would have been excluded either in whole or in part by Regulation 3, and I maintain that that is additional confirmation of the fact which I submit is clear from the wording of Regulation 8, that the intention of that Regulation in view of the difficulties involved and to save time, is to enable this Court to receive secondary evidence in place of primary evidence and, in my submission, in the case of a confession and admission by an accused person any such question clearly does not arise.

Now if the Court should hold against me in regard to the submissions I have already made, I should still state that a confession or admission by an accused person is not admissible unless a caution is proved or it appears on the face of the document that a caution was administered, and I rely on the following words appearing in the Regulations: "The Court may take into consideration any document appearing on the face of it to be authentic".

Now in my submission Rule of Procedure 4 applies. The Court will know how on the summary of evidence the officer taking the summary certifies that Rule of Procedure 4 was complied with; in other words, that the caution was administered. I say that a similar certificate should appear on any statement put in by an accused person, and in default of that certificate appearing on the face of the document the Court must hold that the document does not, on the face of it, appear to be authentic and that being so they cannot admit it.

COLONEL BACKHOUSE: The first point I want to make is this. This is not a Court-martial. This is a military court, and the learned Judge Advocate, who has a great deal more experience of military courts than I have, will tell you that the Judges Rules have ~~never~~ been applied to military courts. In fact on the ordinary espionage charge the majority of the evidence is usually the result of the interrogation of the accused, which has always been held to be admissible, and no caution is ever administered in such cases. This is a military court which follows - although it has its own Rules and Regulations - historically from the ordinary military Court and not from the Court-Martial, and these Regulations have been drafted with a view to preserving the procedure of the military court rather than a court-martial. So, in my submission, the question of cautioning the accused in accordance with the Judges Rules have no application at all. It is not necessary for the Prosecution to satisfy you that this is a voluntary statement.

I repeat again that the weight you give to the statement when you have heard it is quite a separate matter for the Court, and the Court may come to their own conclusions on what value they place upon it, but so far as its admissibility is concerned it is not necessary for the Prosecution to satisfy you that this is a voluntary statement.

The second point that I make is this. Rule of Procedure 4 has nothing whatever to do with this at all. Rule of Procedure 4 is in relation to the taking of a summary of evidence, which is a formal hearing before an officer. The caution under Rule of Procedure 4 is only required to be made on that specific occasion, and I would say that my friend is quite wrong in suggesting that Rule of Procedure 4, in its ordinary sense, applies to a military court, because although it is true it is not one of the Rules excluded by Regulation 3, Regulation 4 makes it quite clear that it is not necessary to comply with Rule of Procedure 4.

It specifically says that ~~either~~ on a summary of evidence or abstract of evidence under Rule of Procedure 4 the accused shall not have the right of having a summary taken or of demanding the evidence at the summary to be taken on oath, or that any witness shall attend for cross-examination. It is quite obvious that Rule of Procedure 4 does not apply

to this type of Court unless it is specifically applied by someone who is directing it to be taken.

The next point I make is this. At the time this deposition was made - although I have agreed for the purposes of argument that this girl was in fact in custody - she was not charged with any charge. She had been put in custody in company with all the other guards of the place, and there was not the slightest reason why she should not be interrogated as everyone who was put in custody was interrogated as was thought fit.

The Court are entitled to hear, even without these Regulations, the result of this interrogation and pay such regard to it as they thought fit.

Again I want to make it quite clear that I rely on these Regulations. They were drawn with the deliberate intention of not having all these legal arguments as to whether one piece of evidence, one statement, was admissible or not. They are drawn widely to admit any evidence whatsoever and leave the Court to attach what weight they think fit to it when they have heard it, but they never intended all this argument.

At any hearing before a military court convened under these Regulations the Court may take into consideration any oral statement or any document appearing on the face of it to be authentic. By "authentic", of course, they merely mean a genuine document - it means no more. "Authentic" means something which is true, a genuine document. Here, unless it is suggested that this is not the deposition by Irma Grese, and that it is not a genuine deposition then, in my submission, there can be no objection to this document being put before the Court. At the end of the case my friend is entitled to argue as much as he likes as to what weight should be paid to it.

When Irma Grese gives her evidence - if she is called to give evidence - she may say this was extracted from her on the rack and thumb-screw, and you might say you would not pay any regard to it at all. On the other hand, she may say that she was speaking the truth when she said it - I really do not know. It depends on what she says, but on the face of it it appears that she took an oath and that she gave evidence on oath before the officer who was enquiring into the state of affairs - I think that is the proper way of putting it - at that period at Belson, and unless and until she gives evidence to say that that is not true, then in my submission the Court are bound to receive it and to pay such weight to it as they think fit.

MAJOR CRANFIELD: I gather it is suggested that I am not entitled to make any objection to any evidence put forward, nor that the Court are entitled to hear me.

COLONEL BLACKHOUSE: I have not suggested my friend is not entitled to make what objections he likes, and the Court to listen to them. It merely depends on the weight they pay to his objection.

MAJOR CRANFIELD: I was only going to point out that under Regulation 6 I am specifically precluded from objecting to the jurisdiction of the Court and of the composition of the Court. If it had been intended I should be precluded from objecting to the evidence as adduced by the Prosecutor, no doubt it would not have been beyond the draughtsman to have included that in Regulation 6, and the mere fact that he has not done so does, I think, show that not only am I entitled to object but that there are kinds of evidence which are before this Court objectionable and can be successfully resisted.

The learned Prosecutor dwelt on the history of military courts and, as I gather, wished to intimate that a Field General Court Martial was nothing to do with it. I would, however, refer the Court to Regulation

3 which says: "Except insofar as herein otherwise provided expressly or by implication the provisions of the Army Act and the Rules of Procedure made pursuant thereto so far as they relate to Field General Courts-martial and to any matters preliminary or incidental thereto or consequential thereon shall apply so far as applicable to military courts under these Regulations and any matters preliminary or incidental thereto", and the Regulation then goes on to exclude those Rules of Procedure and those Sections of the Army Act which are not to apply to this Court, and it seems to me patent that subject to those exclusions the Regulations and Rules of Procedure which apply to a Field General Court Martial do apply to this Court.

S U M M I N G - U P .

THE JUDGE ADVOCATE: May it please the Court. The Prosecution are now seeking to put in evidence three documents in which it appears that the accused Irma Grese has made statements on oath which may be to her detriment if the Court take them into account.

Now, gentlemen, an examination of those documents discloses that they are in the form of a sort of affidavit, and they are not, in my view, analogous in any way to the statements or documents which come into existence under Rule of Procedure 4 in the case of a Field General Court Martial.

Again this seems to me quite a simple point for you to decide. I assume that you will accept that they are a document within the meaning of Regulation 8(1), and that they appear to the Court to be genuine in the sense that they are in their nature, as the Defence Officer argues, a confession or admission. Accept also that they - putting it in the most awkward way for the Prosecution - have been taken in a way that they are not to be accepted as a confession or admission at a Field General Court Martial. How does that help the Defence? because in Regulation 8(1) you find the words: "Notwithstanding that such document would not be admissible as evidence in proceedings before a Field General Court Martial".

Therefore, it seems to me that you come round again to the same point: If you are satisfied that this is a document which is authentic and which will help you to decide the guilt or innocence of this accused or any of them, and even if you decided that it would not be admissible under the law which applies to a Field General Court Martial, it would still be open to you to admit it here, and then the remedy of the Defence is what the Prosecutor has pointed out, that he can, when he has an opportunity in one or other of the ways open to him, attack the weight of that document.

I have nothing further to add and I would ask you and your members to consider whether that advice is not sound and should be accepted as your view as to the admissibility of these three statements.

(At 1515 hours the Court is closed).

(At 1523 hours the Court re-opens.)

(The accused are again brought before the Court).

THE JUDGE ADVOCATE: Major Cranfield, the court have considered your submission, but they feel they must overrule it and admit these documents. That does not, of course, prevent you hereafter, if you have an opportunity and wish to do it, to attack the weight that should be attached to those statements.

COL. BACKHOUSE: I have for the moment only put in one because I did not know at which stage the objection was going to come. I will put in the other two after.

THE JUDGE ADVOCATE: That is only 194.

COL. BACKHOUSE: That is the only one up to now.

THE PRESIDENT: But you are putting all the three together?

COL. BACKHOUSE: Yes.

(Depositions of Irma Grese are marked Exhibit 112, signed by the President and attached to the proceedings)

COL. BACKHOUSE: I will read 197 first. It is the first in point of time and the others are supplementary ones. Technically this is the deposition of Captain Fox. I had better read that, and the statement is attached. "Deposition of Captain Alfred James Fox, D.A.P.M. 86 S.I.S., Special Investigation Branch, Corps of Military Police, stationed in Ostend, sworn before me Major Geoffrey Smallwood (Major Legal Staff) an officer of the Staff of the Judge Advocate General to the Forces:

"On 19th May 1945 I visited Celle prison where I saw Irma Grese. I spoke to her, through the above-named interpreter, and she intimated that she wished to make a signed statement. I have recorded her statement which is attached and which she signed in my presence. Signature: A.J. Fox. Sworn by me Captain Alfred James Fox this 21st day of May 1945 at Belsen Camp. Before me Major Geoffrey Smallwood."

The statement is as follows: "Statement of S.S. Kommandofuhrerin Irma Grese. I am 21 years of age and come from Wrechen near Feldberg, Mecklenburg. From the age of 16 I worked as an assistant nurse in a hospital and remained there until I was 18 years old. I wanted to become a nurse but was made to join the SS as a supervisor at concentration camps. This was in July 1942.

I first went to Ravensbrück where I was made an aufseherin and placed in charge of female working parties consisting of about 20 prisoners. In March 1943 I was sent to Berkenau near Auschwitz, where I remained up to January 1945. I then went to Ravensbrück for four weeks and arrived at Belsen in March 1945.

"I know from the prisoners that there were gas chambers at Auschwitz and that prisoners were gassed there. Dr. Mengle came in the camp at Berkenau and sorted out the people unfit for work for these transports. I know what was happening and have hidden mothers and children away in order that they should not be chosen. I was once denounced by the Jews for having done this and was put under arrest for two days in my room. Jews were used as spies in this camp and had certain privileges. I never took part in choosing people and was only on parade for roll call and seeing that no one escaped.

"I have never beaten or kicked any prisoners. It is true that I made people stand on appel for long periods but never until they dropped. I have seen people beaten by Rapportfuhrer Tauber at Berkenau and by Rapportfuhrer Dreschel. I was once told by Dreschel that if it was necessary I could hit prisoners but never did this. I cannot remember who was commandant at this time. Whilst I was there Hoess, Hartenstein, Scharz and Kramer were commandants.

"Conditions in the concentration camps were bad for everyone including the SS. The only time I was allowed home was for five days after I had finished my training at Ravensbrück. I then told my father about the concentration camp and he gave me a beating and told me never to come home again. Himmler is responsible for all that has happened but I suppose I have as much guilt as all the others above me. Conditions were very bad at Belsen but there was little I could do although I did all I could do to help. Signature: Irma Grese."

"Certified that I have accurately translated the above statement from German to English and have read it over to Irma Grese in German, the said Irma Grese having signed it in my presence. Signature: H.H. Alexander."

"Deposition of Irma Grese (female) SS Kommandoführerin at Auschwitz and Belsen, late of Wrechen, near Feldberg, sworn before Lieutenant-Colonel Leopold John Genn, Royal Artillery, Commanding, No. 1 War Crimes investigation Team.

"(1) I have said in a previous statement that I have never beaten or ill treated prisoners. I have thought it over and I now wish to confess that I have done so and to tell the truth.

"(2) My duties at Belsen included taking appel or roll-call twice a week. My rank was kommandoführerin. I was employed as aufseherin. In this capacity it was my duty to supervise tidiness and general cleanliness in the camp. My duties were in the womens' camp only. I never struck prisoners during the 3½ weeks I was at Belsen.

"(3) Whilst at Auschwitz I struck female prisoners on the face with my hand for using dixies as latrine buckets. Though I never struck prisoners in Belsen and I never saw anyone else do so, I remember seeing Rapportführerin Dreschel strike prisoners at Auschwitz. She did this with her hand. I only saw it from a distance but they were struck only on the head. I myself did not strike prisoners often but quite frequently when they did something I didn't like.

"(4) On the whole I consider that I treated prisoners well. I did not think that any of them were hostile to me when I was working in the camp. I now find that they all appear to be hostile to me. I think that is because they are hostile to all SS because they cannot forget the number of people among them who were gassed at Auschwitz. I myself think they are perfectly right to feel hostile towards us.

"(5) I have been shown photograph B.U. 3746 showing a woman with bad scars on her face which I believe to have been caused by beating with a stick. I have never seen such a thing happen at Belsen but I have definitely seen Unterscharführer Taube beat people in this way at Auschwitz. He did it with a stick.

"(6) I have again reflected and I wish to add that I have in fact beaten prisoners other than with my hand as already described. This was at Auschwitz when for at least a week several of us SS women had short whips made in the camp workshops with one of which I several times struck prisoners before these whips were taken away from us as unauthorised. Arms were never carried or possessed by any SS women.

"(7) I also now admit that I punished prisoners by making them kneel on the ground for periods of a quarter of an hour at a time. I did not at the same time make them hold their hands above their heads but I saw this being done when I have made my report to another part of the camp at Auschwitz. I do not know the names of the people in Auschwitz responsible for inflicting this punishment.

"(8) I remember saying in the first statement I made to an English officer that 'Himmler is responsible for all that has happened, but I suppose I have as much guilt as all the others above me.' I meant by this that simply by being in the SS and seeing the crimes committed on orders from those in authority and doing nothing to protest or stop them being committed makes anybody in the SS as guilty as anybody else. The crimes I refer to are the gassing of persons at Auschwitz and the killing of thousands at Belsen by Starvation and untended disease. I consider the crime to be murder.

"(9) I know about the gas chamber at Auschwitz because prisoners who worked in it told us about it. I only saw it myself from a distance but I have no doubt that many were gassed there.

"(10) I recognise a number of people on photographs I have been shown of SS guards who were at Belsen. No.3 on photograph 1 was a clerk at Auschwitz. I do not know his duties at Belsen." That is S.G.C.1 and the person concerned is Calsson.

THE PRESIDENT: I think the easiest way will be if you gave us the photographs afterwards.

COL. BACKHOUSE: Yes. "No.4 on photograph 3 was an electrician at Belsen and Auschwitz. No.1 on photograph 5 was a cook at Auschwitz and in the food store at Belsen. No.2 on photograph 5 worked with No.4 on photograph 3 as an electrician both at Auschwitz and Belsen. No.4 on photograph 7 was a cook at Belsen. No.5 on photograph 9 is Dr. Klein. No.3 on photograph 9 was a waiter in the officers mess at Belsen. No.1 on photograph 9 was only at Belsen a few days. He came from Mittelbau. I do not know how he was employed. Nos. 1 and 3 on photograph 12 were employed at both Auschwitz and Belsen in the guardroom checking prisoners in and out. On photograph 22 No.6 was in charge of all SS women guards. No.5 was No.6's second in command. No.3 was a telephonist. No.1 was in charge of the bread store. On photograph 19 No.6 was in the kitchen for a little while. No.5 and No.4 were aufseherin. No.3 looked after the pigs. No.2 was a telephonist. On photograph 25 No.5 was in charge of the wood cutting and chopping. No.4 supervised outside working parties. On photograph 35 No. was a telephonist. No.2 was sick while I was there. No.3 worked in the kitchen. On photograph 37 No.2 was in the kitchen. No.3 was also in the kitchen.

"(11) I never saw any of the beforementioned SS illtreating prisoners in any way. I have now confessed to all the illtreatment of prisoners of which I was guilty because it has been on my conscience. I have nothing else to admit.

"Sworn by the said deponent Irma Grese at Celle, this 14th day of June 1945. (Sgd) Irma Grese. Before me. (Sgd) L.J. Genn, Lt. Col. R.A." Then there are the two usual certificates.

THE PRESIDENT: You can cut out all of these in S.G.C. 12 and 15, because they have been recognised by the court.

COL. BACKHOUSE: I am not sure it would not be easier if you allow me to go through them because I have marked each one against the particular person.

THE PRESIDENT: Yes.

COL. BACKHOUSE: The first one, No.3 on photograph 1 is not charged at all. No.4 on photograph 3, an electrician is not in the dock. The next one, No.1 on photograph 5, that is Egersdorf, S.G.C.3, and has been checked. The next one, No.2 on photograph 5, who works with No.4 on photograph 3, that is Otto. No.4 on photograph 7 is somebody not in the dock. No.5 on photograph 9 is Dr. Klein. He has been checked. No.3 on photograph 9 is not charged. No.1 on photograph 9, Hoessler. He has been checked already. No.1 on photograph 3 or S.G.C.6.; Weingartrier is one, No.3 is not concerned in the charge. The next one is S.C.G.9, No.6, Volkenrath, in charge of the S.S. women guards. No.5, that is Ehler. The next one

is S.G.C.8, No.3, a telephonist. That is somebody not before the court.

THE PRESIDENT: Can you give us the number of who the people are. If it is No.9, say photograph 12 so and so.

COL. BACKHOUSE: Yes. I have got down to where it starts No.3, who is a telephonist. Photograph 19, that is the script - that is in fact S.G.C.8 - No.6 was in the kitchen and is Ida Forster. No.5 and No.4 were aufseherins. That is Sauer and Fiest. No.3 looked after the pigs, that is Borman. The next is a telephonist, not before the court. Now we come to S.G.C.10, which is photograph 25. No.5, who is in charge of woodcutting is Herta Bothe. No.4 supervised outside working parties and is not before the court. The next one is photograph 35, which is S.G.C.11. No.1 was a telephonist; she is not before the court. No.2 is not before the court. No.3 worked in the kitchen, that is Haschke. On No.37, which is S.G.C.12, No. 2 was Frieda Walter. No.3 was also in the kitchen, that is Isle Forster. The only one which I am told I have missed out is No.1 on S.G.C.9, which is photograph 22, Charlotte Klein. She has been checked.

THE PRESIDENT: Yes, so now the whole lot have been checked.

COL. BACKHOUSE: Now I come to the third deposition, 196. "Further deposition of Irma Grese (female) S.S. Kommandofuhrerin at Auschwitz and Belsen, late of Wrochen, near Feldberg, sworn before Lt. Col. Leopold John Genn, Royal Artillery, Commanding No.1 War Crimes Investigation Team. (1) On further reflection I wish to say that in three respects the statements I made in my previous deposition were not accurate. First of all I previously stated that I never carried arms. In fact aufseherin at Auschwitz did carry pistols, I among them. My pistol, however, was never loaded and I did not know how to use it nor did I ever do so. Second, when I stated that the only time I had used a weapon to beat prisoners was when I had a whip for a week, this was untrue. I did in fact always have a whip which I used consistently whenever necessary. Third, I admit that there was also a walking stick which we kept in the lagereldesters room and which, although it was unauthorised, we frequently used to beat prisoners. I usually used to beat them on the shoulders, but there were times when, because of the numbers involved, they were beaten on any part of the body that happened to be easiest. All the beatings to which I refer were immediate and I have never taken part in deliberately organised punishments. If it was desired to inflict an organised beating the prisoners had to be reported and confined in a special cell pending punishment. I never saw any such authorised punishment carried out.

"Sworn by the said deponent Irma Grese at Celle this 14 day of June 1945. (Sgd) Grese, Irma. Before me (Sgd) L.J. Genn, Lt.Col, R.A." and then follow the usual two certificates.

MAJOR MURTON-NEALE: The next one is the statement of Franz Hessler, page 198.

(Deposition of Franz Hessler is marked exhibit 113 signed by the President and attached to the proceedings)

MAJOR MURTON-NEALE: This is number 190, and I will read the deposition of Captain Fox first. "Deposition of Captain Alfred James Fox, D.A.P.M. 66 Special Investigation Section, Special Investigation Branch, Corps of Military Police, stationed in Ostend, sworn before me Major Geoffrey Smallwood (Major Legal Staff) an officer of the staff of the Judge Advocate General to the Forces. On 17th May 1945 I visited Celle prison where I saw Franz Hessler. I spoke to him, through the above-named interpreter, and he intimated that he wished to make a signed statement which is attached and which he signed in my presence. Signed A.J.Fox. Sworn by me Captain Alfred James Fox this 20th day of May 1945 at Belsen Camp. Before me Major Geoffrey Smallwood.

"Statement of S.S.Obersturmführer Franz Hessler: I want to tell you all I can and I am willing to assist your investigations in any way. I am 39 years of age and was born at Kempen, Argau. I am a married man with three children and by trade was a photographer. As I was out of work I joined the S. S. when the Nazi party came into power on 30th January 1933. I volunteered for this service. From 1933 to 1935 I was in the S.S. barracks at Dachau doing ordinary duties. In 1935 I took over as cook at the concentration camp at Dachau and I held this position until 1941. Whilst I was there up to the end of 1935 the Commandant was a man named Dicke and from 1935 until 1938 or 1939 this position was held by Oberführer Loritz. I cannot remember the name of the commandant after him. In 1941 I went to Auschwitz concentration camp where I established a kitchen and I remained there until 1942. I then went to Minze-Brocha in Poland building special huts for a hospital. I took a working party from Auschwitz concentration camp of about 60 and I was in charge. We were there for about nine months and I then went back to Auschwitz. After being in charge of working parties there for a while, I left in July 1943 for the women's camp at Berkenau, near Auschwitz. The conditions here were very bad, the camp was overcrowded and sanitation was also very bad. The food was better than the men's camp. The camp was in the charge of Obersturmbannführer Hoess. I asked to be moved from this camp because of the conditions. The job of the men was to build roads, more huts and make those huts already there habitable. The S.S. woman in charge was Oberaufseherin Mandel. Whilst I was there many died from spotted fever (cerebral-spinal-meningitis) and typhus. Amongst these were guards as well as inmates. I made many complaints to Hoess and as a result beds were made but not enough to accommodate all the prisoners in the camp. The women in this camp did agricultural work. Whilst I was there the place was inspected by Obergruppenführer Glucks from Berlin in Summer 1943. He went through the camp by car and said that everything would be altered but nothing was done. At all camps the inspection was the job of the Amtsgruppen D., Berlin and Glucks was in charge of this department I believe. He took his orders direct from Reichführer Himmler. The camp at Berkenau was also inspected by Himmler whilst I was there in Summer 1943 who said the same - that conditions would be altered - but again nothing was done. After about two or three months there in January 1944 I was moved to Neckarreis near Baden. This was a small camp for about 500 prisoners and the labour was supplied from Dachau concentration camp. I held the position of Kommandoführer. All the men under my command lived in a three-storey high school building but there were others in a nearby camp. All were engaged on building an aeroplane works in the mountains but it was never completed when I left. In June 1944 I went back to Auschwitz where I became a Lagerführer and I stayed there until it was being cleared in January 1945. This was because the Russians were advancing, and the whole camp was cleared. The Commandant when I arrived and up to the time I left was Baer. Kramer was at Berkenau. I then went to Dor a camp at Nordhausen where I remained until April 1945 and when that was also cleared I came to Bergen-Belsen.

"I have no knowledge of sterilisation of women and no orders were given by me that this should be carried out. In fact I did not know that this was being done and I was never allowed in the hospital. Everyone in the camp knew about the gas chamber at Auschwitz but at no time did I take part in the selection of prisoners who were to go to the gas chamber and then be cremated. Whilst I was there selection of prisoners for the gas chamber was done by Dr. Klein, Dr. Mengele and other young doctors whose names I do not know. I have attended these parades but my job was merely to keep order. Often women were paraded naked in front of the doctors and persons selected by the doctors were sent to the gas chamber. I learnt this through conversation with the doctors. I think those selected were mostly those who were not in good health and could not work. When transports of prisoners arrived the prisoners were taken from the train and marched to the camp. On arrival they were paraded in front of the doctors I have mentioned and persons were selected for the gas chamber the remainder being sent to the concentration camp. I have also attended these parades but only when I have been orderly Lagerfuhrer as this was part of his duties. Trainloads of 2,000 to 3,000 arrived at the camp and often as many as 100 went to the gas chamber. The doctors were always responsible for these selections.

"Whilst I was at Auschwitz the commandant until June 1944 was Hoess and he was succeeded by Baer. I made many complaints to Hoess about the way people were being sent to the gas chamber but I was told it was not my business. The camp was inspected once a year by Himmler and also Obergruppenfuhrer Glucks and Obergruppenfuhrer Pohl from Berlin. Himmler knew people at Auschwitz were gassed because it was he who gave the orders that this would be done. These orders could only have come from the top. Hitler must also have known that this was going on as he was the head of the country. At many of the camps and to my knowledge at Auschwitz brothels were run according to instructions given by Himmler. The girls for these brothels were selected by doctors at the camp. Dr. Klein and Dr. Mengele have to my knowledge made these selections from volunteers who I have selected. Men who were in working parties were paid token money which sometimes amounted to ten marks a week. With this money they were able to pay the girls one mark a time. Of this money ten phennigs went to the woman in charge of the brothel and 90 phennigs to the girl herself.

"Whilst I was at Dora camp Nordhausen, I received complaints from the prisoners that they were not receiving their Red Cross parcels. In view of this I personally saw that the prisoners did get their Red Cross parcels. The parcels had to be opened for censoring but I made sure that no articles were removed.

"The food at Dora camp Nordhausen was not good although the prisoners received more food than at other camps because of the fact that they were working. There was not enough fat in the food for the men to live on. The food may have been enough for eight hours work but was not enough for twelve. The food had to be reduced on account of bombing. I complained about the shortage of food whilst I was there to Commandant Baer. Prior to Baer's arrival at the camp the Commandant was a man named Firshner. I also made a complaint to Verwaltungsfuhrer Brenneis who was at Dora camp representing Obergruppenfuhrer Pohl. As a result of this a Field Bakery was built in Dora Camp.

"When the English were advancing, Dora Camp was closed and the prisoners eventually came to Bergen-Belsen. Actually they should have gone to Neuengamme near Hamburg but when the trains got there they were sent back to Bergen-Belsen. One trainload of these people, about 5,000 strong, never arrived at Belsen so I cannot say what happened to them. I went on in advance of the trains and reported to Commandant Kramer and enquired if the prisoners had arrived. He said they had not and in any case he had no room in the camp for them. He sent me to Oberst Haries

of the Wehrmacht, whom I saw and who told me that the Wehrmacht were leaving the barracks and that I could take over part of the barracks to house my men. I did this and so the men under my charge did not go in the Bergen-Belsen camp where there was so much typhus and disease. I was Lagerfuhrer in charge of this small camp.

"I met the transports from Nordhausen at Bergen-Belsen station. At the rear of each train was a Doctor and an Ambulance waggon in which the sick were carried. About 20 to 25 had died on the way from cold, undernourishment and being weak on a train I saw of 3,000 to 5,000 prisoners. These bodies were taken to Belsen camp and buried there. I did not go in the ambulance waggon nor did I give any instructions that sick people were to be shot. I did not see the prisoners leave the station as I went back to the camp by car and the prisoners walked.

"I did hear from prisoners in the camp that several people in a transport that walked from Dora camp were shot. These prisoners were under the command of Hauptscharfuhrer Stofel (Stofel) and Unterscharfuhrer Dorr (Dor). I mentioned these shooting to these men but both denied all knowledge of them and I never had a chance to continue the conversation.

"We were not allowed to shoot prisoners unless they tried to escape or attacked the guards. Beatings were also not allowed. I have never seen anybody shot or beaten whilst I have been in concentration camps although I have seen people chosen for the gas chamber at Auschwitz.

"I have never had occasion to shoot anyone, or beat anyone, nor was I ever attacked. I have always tried to be kind to the prisoners and to help them. I once made an application to leave the S.S. because of what was happening in concentration camps but my request was refused. It was not nice to be a Nazi nor was it a privilege. The S.S. were always watched by the Gestapo and we were forbidden by Baer and Hoess to talk of conditions in the camp to anyone. I never even told my wife. I only volunteered for the S.S. for four years but in 1936 it was made compulsory for twelve years and it was impossible to leave.

"When the English were arriving near Belsen I was told by Oberst Haries that the English would shoot all S.S. on sight who offered resistance. In spite of this I volunteered to stay behind with five others who were: Wilhelm Dorr, Paul Fritsch, Eugen Hahnert, George Kraft and Franz Stofel and in addition two cooks whose names I do not know. The camp I was at was guarded by Hungarians, Bergen-Belsen camp being guarded by the Wehrmacht during the truce having relieved S.S. About twelve to fifteen S.S. escaped from the camp and a lot also left from the other camp.

"The food for prisoners at Belsen was obtained from the Army food place through Oberst Haries. The prisoners should have got 300 grammes of bread daily but sometimes they only got 200 or 100 grammes. In addition they got potatoes, turnips, beetroot and some grease. Sick people got rice and milk if it could be obtained. There was not sufficient food for the people to live on and the responsibility lies with the Wirtschaftsverwaltungsgesamt of which Pohl was in charge. I do not think that it was the intention of the country to starve these people but there was a general shortage owing to bombing. I did not know myself that conditions were so bad in Bergen-Belsen camp until I was sent there by the British to assist in burying the dead when it was a great shock to me to see what had been happening.. (Signed) Franz Hessler"

CAPTAIN STEWART: This is No. 201.

"Statement of Obersturmfuhrer Dr. Fritz Klein, Medical Doctor of the Waffen S.S. who saith: I am aged 50 years and a Rumanian by birth. Before volunteering for service in the S.S. in June 1943 I was a General Practitioner at Zeiden near Kronstadt in Rumania. On joining the SS I -

I was sent to Yugoslavia as Recruiting Doctor. On the 15th December 1943 I went to Auschwitz as a Doctor in the Concentration Camp. On the 15th December 1944 I was transferred to Neuengamme near Hamburg. I was only in Belsen Camp for about 6 - 8 weeks before the British came, having been loaned to them because their own Doctor (Dr. Schnabel) was ill. I was acting as Doctor for the SS men and only went into the camp 3 days before the British came to take the place of Hauptsturmführer Dr. Horstmann who was sent away by Kommandant Kramer.

"When I arrived at Auschwitz the SS Officer in charge was Commandant Hoss, he was succeeded by Kommandant Liebehenschel, and then in June 1944 Commandant Baer took over. There were several Doctors in that camp the chief one being Dr. Wirts, others whose names I can remember are Dr. Fischer, Dr. Kitt, Dr. Lucas, Dr. Mengele, Dr. Thilo, Dr. Rhode and Dr. Konig. When transports arrived at Auschwitz it was the doctors' job to pick out those who were unfit or unable to work. These included children, old people and the sick. I have seen the gas chambers and crematoriums at Auschwitz, and I knew that those I selected were to go to the gas chamber. But I only acted on orders given me by Dr. Wirts. I cannot say from whom Dr. Wirts received his orders and I have never seen any orders in writing relating to the gassing of prisoners. All orders given to me were given verbally. All the Doctors whom I have previously mentioned have taken part in these selections and although SS guards were on parade they took no active part in choosing those who were unfit for work.

I never protested against people being sent to the gas chamber although I never agreed. One cannot protest when in the Army. It was not a pleasure to take part in these parades, as I knew the persons selected would go to the gas chamber. Persons who became pregnant whilst in the camp and therefore unfit for work were also selected on later parades. I have heard that Himmler had visited Auschwitz camp, although I have never actually seen him. It was certainly known to the Higher Ups that these methods were being used at Auschwitz camp.

Brothels were run at Auschwitz camp for the benefit of the prisoners. Girls who went in these brothels did so quite voluntarily. It was one of my duties to select girls for this job, and about 15 would be brought before me, and I selected what were in my opinion the ten best. The girls in the brothels were inspected twice a week by a Polish doctor who was himself a prisoner.

I know that on orders from Berlin certain individuals were sterilised, but I never took any part in it as I am not an expert. Those who were sterilised were usually mental cases as far as I know. I cannot say who gave the orders.

Whilst at Belsen I made several complaints to Commandant Kramer about the conditions there. I was told that I was only a doctor and that it was nothing to do with me. Three days before the British came, when I took over the camp, I had a talk with Kramer about the conditions. I told Kramer that the corpses should be removed and that water should be supplied to the prisoners as many were dying from thirst. Kramer said he did not take orders from me. I told him had I been the English officer taking the camp over I would have taken the Commandant and the doctor, put them against the wall, and shot them. The food was not much and hardly enough to live on. The person who was responsible for the distribution of food was Hauptsturmführer Vogler. I do not think more food could have been given as there was a general shortage in Germany, although we SS lived quite well. Belsen camp was very over-crowded. It was originally built to house 14,000 people and was used as a convalescent camp for those prisoners who were unable to work. I understood that after a period there they should have returned to work in camps.

I have seen people shot by the S.S. but I cannot remember the names of people who had done the shooting. I have also seen people beaten by the SS and by prisoners and I have submitted reports to the Lagerfuhrers about this. I cannot say whether anything was ever done about it. I realise that I am as responsible as those from the top downwards for the killing of thousands in these camps, particularly at Auschwitz.

"I have made this statement voluntarily, it was translated and read over to me. (Sgd). Fritz Klein.

"I hereby certify that I have truly translated the above statement to the accused. (Sgd) H.H. Alexander, Lieut. Pioneer Corps, 21 Army Group Interpreters Pool. Signatures witness by Captain A.J. Fox, D.A.P.M. 36 S.I.S. (Sgd) A.J. Fox, Captain. 10th May, 1945.

"Deposition of Captain Alfred James Fox, D.A.P.M., 36 S.I.S., Special Investigation Branch, Corps of Military Police, stationed in Ostend, sworn before me Major Geoffrey Smallwood (Major Legal Staff), and officer of the staff of the Judge Advocate General to the Forces.

"On 10th May 1945 I visited Schwarmstedt German Military Hospital where I saw Dr. Fritz Klein. I spoke to him, through the above named interpreter, and he intimated that he wished to make a signed statement. I have recorded his statement which is attached hereto and which he signed in my presence. (Sgd) A.J. Fox, Captain. Sworn by me Captain Alfred James Fox this 20th day of May 1945 at Belsen Camp before me Major Geoffrey Smallwood".

CAPTAIN STEWART: The next is No. 220.

(Deposition of Lidgarde Lohbauer is marked Exhibit "115", signed by the President and attached to the proceedings).

"Deposition of Lidgarde Lohbauer, German internee working as Arbeitsdienst at Auschwitz and Belsen, formerly of Plauen in Voigtland, Saxonia; sworn before Lt. Col. Leopold John Genn, Royal Artillery, Commanding No. 1 War Crimes Investigation Team.

"I am a German National, unmarried, with two children. I was put into concentration camp for refusing to work in an ammunition factory. I went to Ravensbrück from 1940 to 1941. I was then transferred to Auschwitz where I stayed until approximately January 1945. I returned to Ravensbrück until March 1945 when I came to Belsen. At first I was an ordinary prisoner but for the past two years my job has been Arbeitsdienst, whose work it is to produce the number of people demanded by the camp authorities for working parties.

Treatment of prisoners in Belsen was severe, but not as bad as it was in Auschwitz and Ravensbrück. I have only once seen a prisoner shot. This was on the day the English liberated Belsen camp. When the amplifying unit first came to the camp to announce the arrival of the English many of the prisoners rushed forward rejoicing. They were told they must not do so. One of them, a Dutchman, who persisted, was shot from behind by Rapportfuhrer Emmerich. I saw that the man was dead and he was carried away. The SS women at Belsen did not carry arms but all at Auschwitz carried pistols. The SS men at Belsen were armed and I believe that shootings took place at Belsen and Auschwitz on outside working parties, though I myself was never a witness.

Beatings of prisoners were frequent both at Auschwitz and Belsen. At Auschwitz regular organised beatings were given. I myself was given 15 strokes on the behind for smoking at Auschwitz in 1943. The punishment was carried out by two fellow prisoners, one of whom held me on a punishment

while the other beat me with a solid wooden stick. I believe that such organised beating was prohibited afterwards at Auschwitz because of the injuries caused to victims. I know of none at Belsen. As Arbeitsdiener I have myself frequently hit prisoners to keep order but only with my hand.

Of the SS men and women whom I have seen with my own eyes beating and ill-treating prisoners I consider that Gertrud Fiest, Gertrud Sauer, Herta Bothe and Peter Weingartner should be punished.

"Sworn by the said Deponent Hildegard Lohbauer at Celle this 14th day of June 1945 (Sgd) Hildegard Lohbauer. Before me (Sgd) Lt. Col. L.J. Genn, R.A."

Then there follows the usual certificates of translation signed by P. Colbergh, Corporal.

(At 1645 hours the Court adjourns until 0930 hours tomorrow morning, Saturday, 6th October, 1945).